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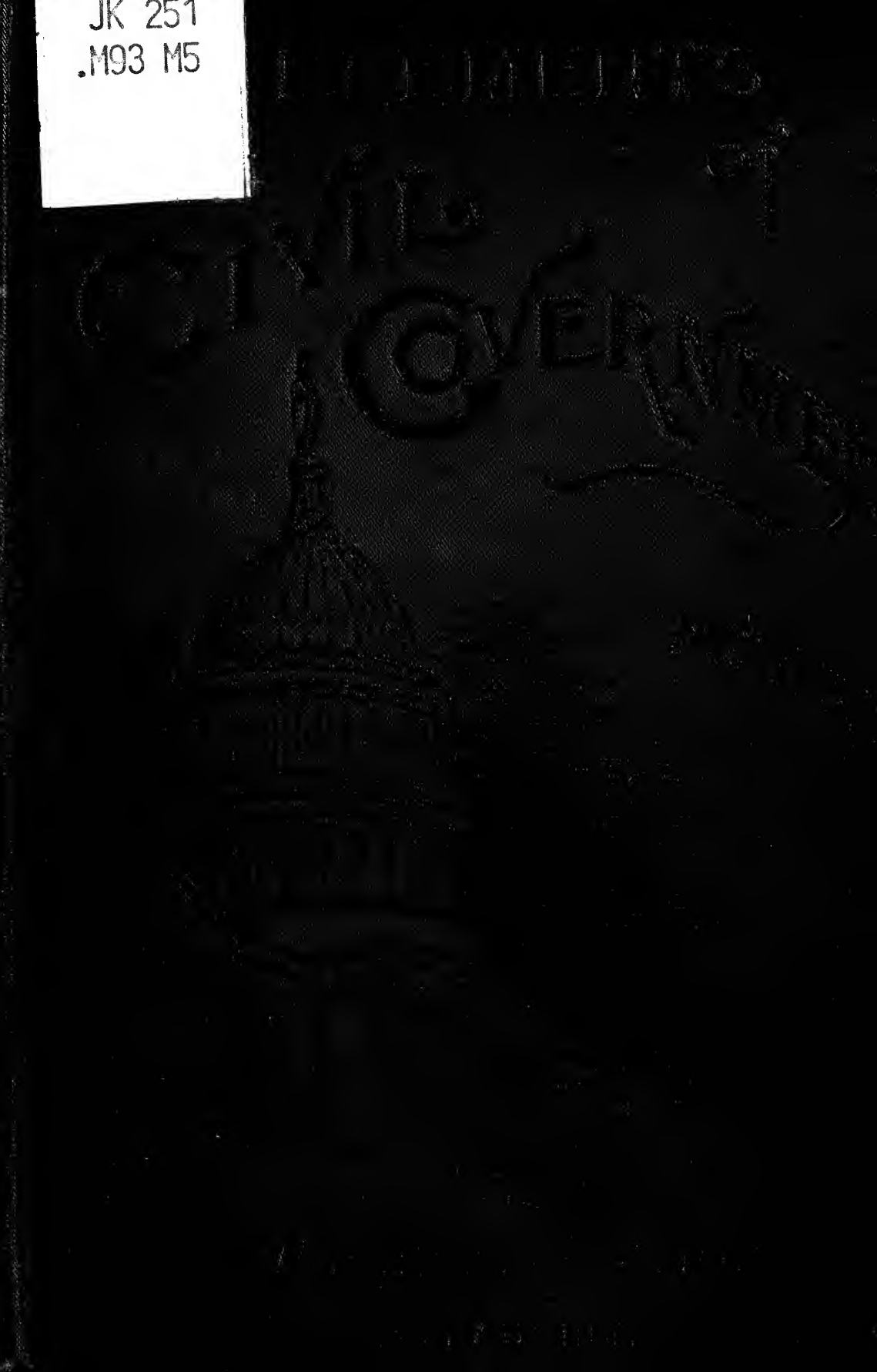

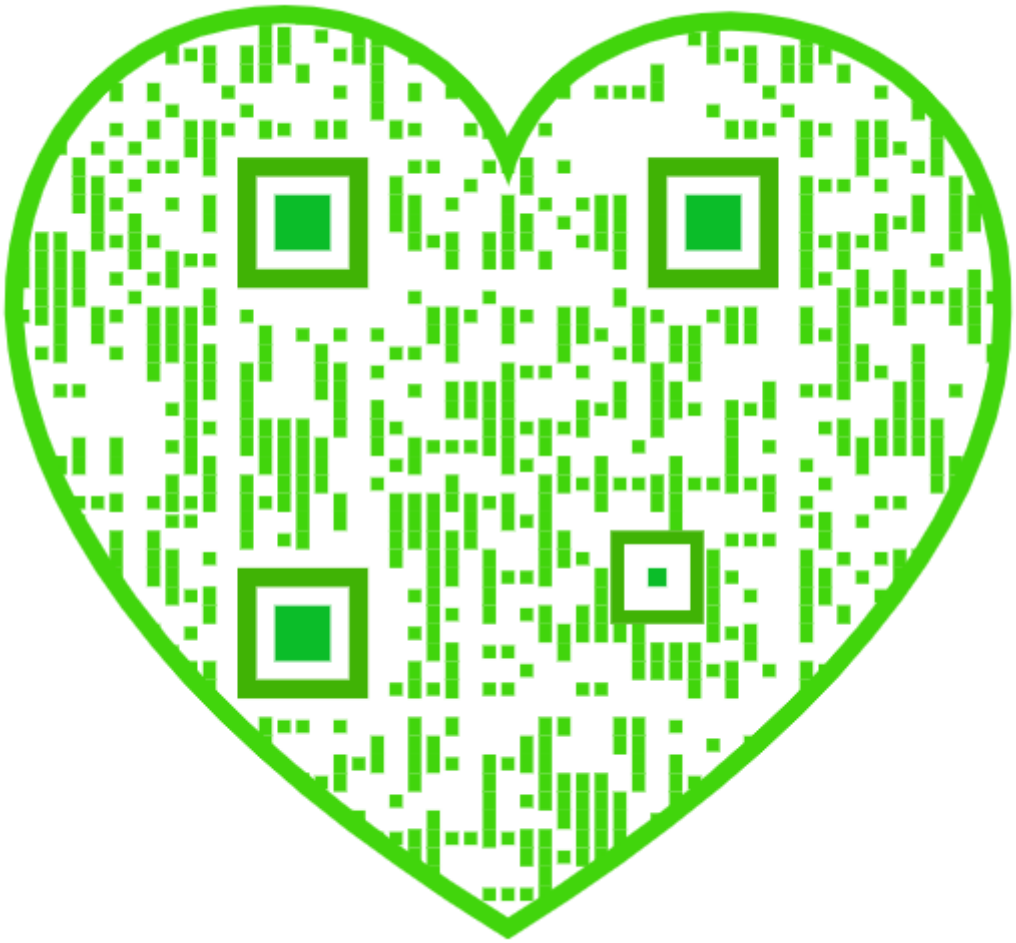

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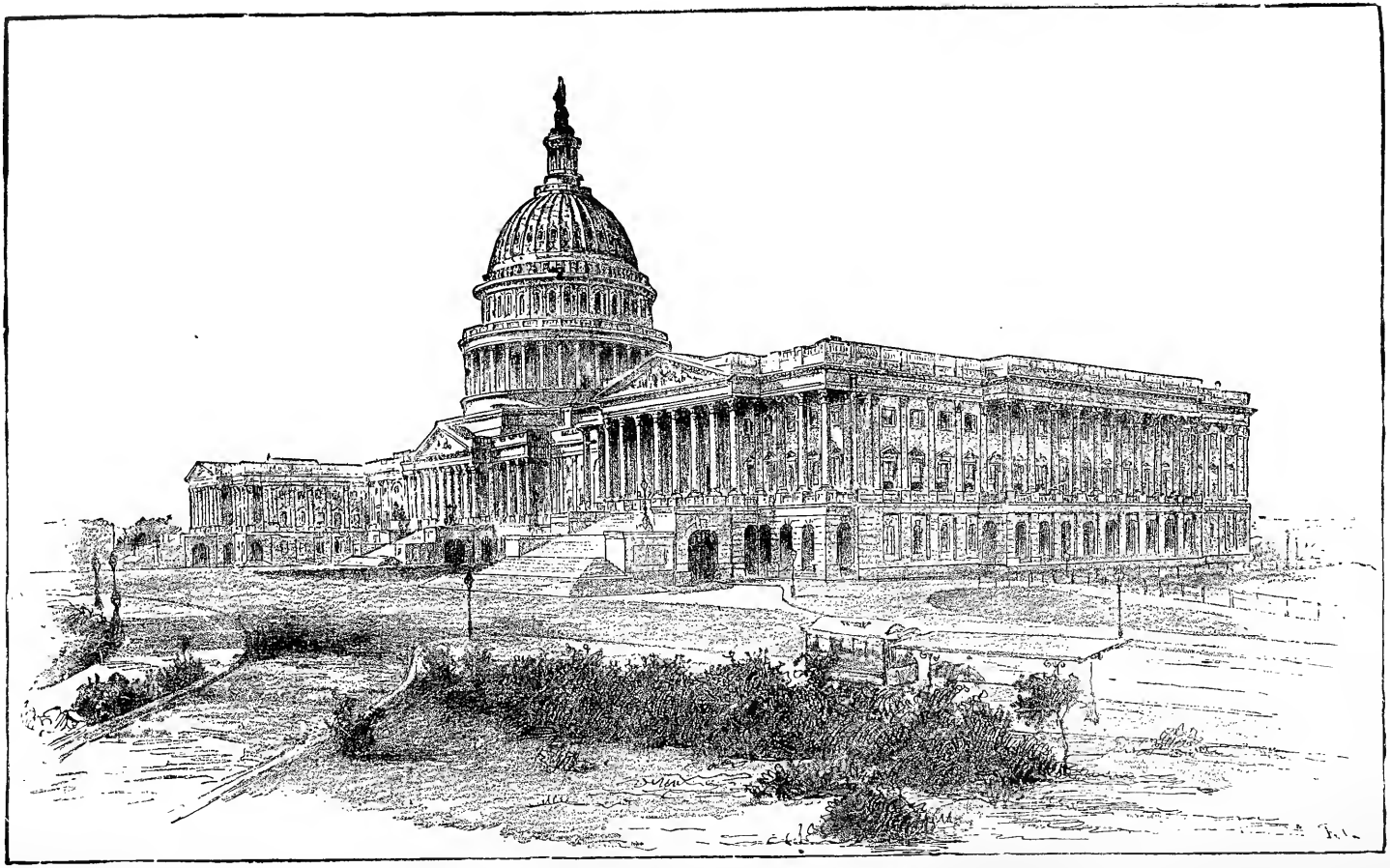

THE CAPITOL AT WASHINGTON.

ELEMENTS

OF

CIVIL GOVERNMENT

LOCAL, STATE, AND NATIONAL

A BRIEF COURSE FOR UNGRADED, GRAMMAR, AND HIGH SCHOOLS

BY

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PREFACE.

One of the most gratifying signs of the times is the increasing interest of late manifested in different parts of the country in the study of our Civil Government. This growing interest is seen in the multiplicity of books relating to this subject, its general discussion in the daily and weekly press and the monthly and quarterly magazines, the formation of Societies for Promoting Good Citizenship, and especially in the great increase in the introduction of the study of Civil Government into the public and private schools, academies, and colleges in all parts of the country. It is doubtless true to-day that the study is carefully pursued in many high, grammar, and ungraded schools in every state in the Union. It should be, in every school in the country where there are pupils above thirteen years of age.

Our public school system is maintained upon the principle that the safety of free institutions demands intelligence on the part of every citizen. If the property of the state is to be taxed to educate the children of the state, it surely follows of necessity that the principles, methods, powers, and duties of the government, and the relation of the parts to each other and to the whole,

as well as the duties and privileges of the citizen, should be studied in these schools.

We have many treatises upon the Constitution of the United States, and text-books of a higher grade for the study of Civil Government in high schools, academies, and colleges, — books so extended and complete that a full year is required to master them; but it is everywhere felt that a suitable book is very much needed for ungraded and grammar schools, and for high schools in the smaller towns and cities, where time cannot be found for an extended study of the subject. Moreover, it is found that many of the text-books are written for older and more mature pupils, thus being entirely above the reach of the younger and more immature minds in the schools just mentioned.

It is the hope of the author that this book will be found well adapted for the purpose above indicated. It attempts to discuss, in a brief and elementary manner, the foundation principles and general facts of our government, local, state, and national, in language easily understood by pupils from twelve to sixteen years of age, and at the same time without making the silly and futile attempt to degrade the dignity of the subject to the language and style of the primer, the first or the second reader. This subject can scarcely be studied to advantage by primary scholars, but it can be pursued with entire success by nearly all boys and girls who have studied arithmetic to percentage, and who can comprehend the good English of a fourth reader.

It is believed that the plan of this elementary treatise will commend itself to teachers everywhere. It is analytical and topical. It includes,—

1. Town Governments.
2. City Governments.
3. County Governments.
4. State Governments.
5. The National Government.

It introduces the history of the early settlements and the colonies, the formation of the state and national governments, and the rapid and marvellous growth of the republic.

It gives topical analyses for blackboard work, and general outlines for reviews.

This book is not designed to take the place of the author's "Studies in Civil Government," but its purpose is to furnish a shorter course, which can be used in schools where younger pupils can spend from three to six months in the study of an elementary book, but would find the larger and more mature treatise too extensive and too difficult.

The author takes this opportunity to express his grateful appreciation of the cordial reception and extended introduction given to his former book, entitled "Studies in Civil Government," which in two years has passed through four editions, and is now in extensive use in all sections of our common country. That book has just been thoroughly revised, and the necessary

changes made to adapt it to the present condition of our state and national governments.

It may not be improper to add that these two books have not been made at the study table merely, but have grown out of twenty-five years of practical teaching, in which the author has had a class every year in this subject, and that not a few men now prominent in both public and business life have expressed the conviction that this study has proved of greater interest and of more practical value to them than that of any other subject of their entire school curriculum.

The author desires to express the hope that this brief treatise may serve to promote a higher appreciation of, and a stronger love for, our free institutions and our liberal government "of the people," to the end that they may be perpetual.

WILLIAM A. MOWRY.

DORCHESTER, May 1, 1890.

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ELEMENTS OF CIVIL GOVERNMENT.

BLACKBOARD OUTLINE.

GOVERNMENT.

1. **Local.**
   Town, Township, or County.

2. **State.**
   At first thirteen states, now forty-four.

3. **National.**
   A true republican government of confederated states.

PART FIRST.

LOCAL AND STATE GOVERNMENTS.

CHAPTER I.

INTRODUCTORY.

We live in a republic. Our country is called the United States of America. It extends from the Atlantic Ocean on the east, across the Valley of the Mississippi River, over the Rocky Mountains to the Pacific Ocean on the west. On the south is the Gulf of Mexico and the republic of Mexico; on the north is British America; then far to the northwest beyond British Columbia is Alaska, which also belongs to the United States. We have forty-four states, six territories, and the District of Columbia in which is the city of Washington, the capital of our country.

All the people in this broad country are citizens under one government. This is called the Na-

tional Government. This National Government is divided into three parts, called the Legislative, the Executive, and the Judicial departments.

The legislative department consists of a Congress of the United States, which includes two branches, the Senate and the House of Representatives.

The executive power is invested in one man called the President of the United States.

The judicial department comprises a series of Courts, including the United States District Courts, the United States Circuit Courts, and the Supreme Court of the United States.

There are in this country subject to this one government more than sixty millions of people. This is the largest, most prosperous, and most powerful republic in the world. We ought to be thankful that we live under a good government and that our nation is large, and strong, and powerful.

By and by we shall want to study the history of this government, when and how it began, and how it has grown to its present prosperous condition; but before taking up this subject, let us consider some other matters. We live not only in a republic but in a commonwealth. We are not only citizens of the United States, but we are citizens of the state of ———

Every state has a government of its own. This government consists, like the National Government, of the Legislative, Executive, and Judicial departments. The legislative department, usually called the State Legislature, includes a Senate and a House of Representatives. The executive officer of the state is called the Governor. The courts of the state include local courts, — that is, Police Courts or Justice Courts, — County Courts, for the trial of civil and criminal cases, and the Supreme Court of the State.

Again, we are not only citizens of the United States, and citizens of our state, but we are citizens of the town or city in which we live. So we have a third kind of government, a local government, that is, the government of our town or city. It will be necessary, therefore, in our study of Civil Government, to keep constantly in mind that we are subject to our local government, to the laws of the state and to the laws of the United States. In all matters that relate to local affairs the town or city government has full power; in another set of subjects, relating to the general good of the people of the commonwealth, the state government has full control; but in everything which concerns the nation at large, the authority is vested in the National Government.

In Emerson's beautiful little poem of the mountain and the squirrel, he makes the little rodent say to the mountain, "If I cannot carry a forest on my back, neither can you crack a nut." Each has its place and its duties and the other cannot interfere.

The term "state sovereignty" is a misnomer. There is no such thing, and cannot be in a republic. Indeed there is — in the true sense of the word — no "sovereignty" in a republic, for there is no "sovereign." It is only by a figure of speech that we say "the people are sovereign." The township cannot interfere with the state or the nation, neither has the state or the nation the right to infringe upon the powers or prerogatives of the town.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is a republic?
2. Describe the republic we live in.
3. How many square miles does it contain?
4. Citizens of towns, city, or county, of state and of nation.
5. Legislative department — law-making.
6. Executive department — enforcing.
7. Judicial department — interpreting.

BLACKBOARD OUTLINE.

TOWN OFFICERS.

1. Moderator.
2. Town Clerk.
3. Town Treasurer.
4. Selectmen.
5. Assessors.
6. Constable.
7. School Committee.
8. Overseers of the Poor.
9. Highway Surveyors, or Road Commissioners.

CITY OFFICERS.

1. Mayor.
2. Aldermen.
3. Councilmen.
4. School Committee.
5. Overseers of the Poor.
6. City Clerk.
7. City Treasurer.
8. City Solicitor.
9. City Auditor.
10. City Marshal, and others.

COUNTY OFFICERS.

1. County Commissioners.
2. County Treasurer.
3. County Auditor.
4. County Registrar.
5. County Sheriff.
6. Coroner.
7. District Attorney.
8. County Assessors.
9. County School Commissioner, and others.

CHAPTER II.

LOCAL GOVERNMENT.

SECTION I. — THE TOWN.

THE town is the local unit of government. The town government in this country originated in New England. In the new states of the west different circumstances have produced a different condition of local government. In the early settlements of New England a town included a little territory, generally with a central village and outlying farms scattered here and there. The people of this territory formed a compact settlement by itself and constituted a little democracy, where all the people came together in town meeting and made laws for themselves, assessed taxes, ordered roads built, schools to be supported, and determined by a majority vote whatever seemed best for the well-being of the little settlement.

These towns were grouped together in a colony, and the colonists were, at that time, subject to Great Britain. The first town meeting in America was held in Dorchester, Massachusetts,

in the year 1633. It was then established as an institution for that town. The citizens voted that the meeting should be held monthly, and that all matters relating to the welfare of the town were to be determined by a majority vote, the minority yielding their preferences and agreeing to be governed by the majority. Other towns followed this example and established town meetings the next year, 1634.

The establishment thus early in the history of our country of the town meeting has proved the source of much of our freedom at the present time in state and nation. In the newer settlements in the west covering greater areas of territory, generally without the nucleus of a village, the township, as the people call it there, is of less importance, while much of the local government is necessarily administered by counties.

Section II. — Town Officers.

A town meeting must be legally called. Notices are posted in accordance with law, stating distinctly the business, article by article, which is to be transacted by the voters of the town in the meeting. At the *annual* town meeting the various officers of the town are elected. In some states the voting for the principal town officers must be

by ballot. The meeting is called to order by the town clerk, then the warrant is read and a moderator is elected. It is the duty of the moderator to preside at the meeting, to put all motions, declare the vote, to see that everything is done in proper legal form, and to preserve order. The principal officers of a town are mentioned below.

Who are Voters. — In most of the states the requisites for voting in town, county, state, and national elections are as follows: — The person must be a citizen of the United States, twenty-one years of age; must have resided within the state, and county or town, the time required by law. Some states require a poll or registry tax. Some do not require citizenship. More than twenty states permit women to vote for School Committee; and in Wyoming, for all officers and on all questions, the same as men. Kansas has municipal suffrage for women.

Besides the appointment of town officers the voters assembled in town meeting levy taxes, and make apportionments of money for school purposes, highways, the support of the poor, and for such other purposes as may seem necessary, such as street lights in thickly settled portions of the town, fire engines, bridges, and various other matters.

Town Clerk. — It is the duty of the Town

Clerk to keep the records of all business done in the town meetings during the year for which he was elected, to keep records of births, marriages, and deaths in the town, and perform such other duties of a like nature as the law requires.

Town Treasurer. — It is the duty of the Town Treasurer to keep safely all moneys intrusted to him, receiving the town's money from the Collector of Taxes, from the debtors of the town in payment of bills due to the town, moneys received from the state for specified purposes and from any other sources from which the town may receive money. He is to pay out this money on the orders of the proper town officers in accordance with law, and in payment of bills against the town when certified or audited by the proper officers. The Town Treasurer is also required to look after the invested funds of the town, receiving the interest or income from such funds, and making a report as occasion may require from time to time to the town meeting or to the Selectmen.

Selectmen. — The Selectmen or Town Council, or, as they are called in some states, trustees of townships, have the general charge of the executive business of the town. They call the town meetings. In many states they receive and count the votes for state and national offi-

cers, they act as a board of health, where a board has not been appointed, they lay out highways, appoint certain minor officers, they represent the town in suits at law, they draw jurors, in some cases grant licenses, and do many other things, some of which differ in different states.

Assessors of Taxes. — It is the duty of the Assessors of Taxes to make an inventory of all the real estate in the town with the names of the owners thereof, of all personal property and owners, and make a list of the names of all persons against whom a poll tax is levied. The town having voted the amount of tax to be raised, the assessors will subtract from this sum the amount of all poll taxes, and then determine the percentage which is necessary to raise the remainder of the required tax from the total taxable property of the town. The tax list is then turned over to the Collector, whose duty it is to notify each person what his tax is and demand payment thereof. This notice usually states when and where the tax may be paid, and if not paid within the time allowed by law, then the Collector must institute measures in accordance with law for its collection from the property assessed.

Constable. — It is the duty of the Constable, like a police officer, to make arrests in accordance with law of persons charged with crime. A Con-

stable having arrested a person will hold him as prisoner and convey him to a safe place of detention, keeping him in custody until he shall have a trial and be acquitted or sent to jail. It is the duty of the Constable also to serve warrants and writs, summon witnesses, and to perform all such duties as are laid upon him by law.

School Committee. — Our people maintain in all the states and in all the territories a system of free schools. These schools are not established and maintained by national authority, but by state and territorial laws. In some states the schools are sustained by the state government, under uniform state laws, the state holding in its hands absolute control of all public schools within its jurisdiction. In such cases the state provides for the appointment generally of county superintendents and county school boards, the township having but little jurisdiction in the matter. In most of the older states, in the eastern part of the country, the township system prevails. In this section the state usually has a Board of Education and makes laws concerning the schools and their general management, but leaves the particular care of them to the towns. In such cases there is usually a state appropriation for school purposes, and another appropriation by each town, according to its needs. In this case the schools

of the town are placed under the control of the School Committee elected by that town. This Committee usually consists of three or more persons, generally an odd number, who, in accordance with the laws of the state, have the entire management and control of the public schools. In most states having School Committees they examine the teachers, grant them certificates, fix the rate of wages, approve the bills for payment, build, repair, and keep in order the school-houses, arrange courses of study, examine the schools, determine rules and regulations for them, etc. In some states women, as well as men, vote for members of the School Committee.

Overseers of the Poor. — These officers have charge of the poor people belonging in the town, who have no relatives to support them, making proper arrangements for their support, either in the almshouse — sometimes called the poor-house — or boarding them in private families. In some cases this duty is assigned to the Selectmen.

Road Commissioners or Highway Surveyors. — These officers have charge of all the necessary repairs on the highways and of the building of new roads when ordered by the town. The duties of other town officers need not be specified.

Herrick's "Powers and Duties of Town Officers in Massachusetts" gives the following as the law in that state concerning town meetings:

"Every town meeting shall be held in pursuance of a warrant under the hand of the selectmen, directed to the constables or to some other persons appointed by the selectmen for that purpose, who shall forthwith notify such meeting in the manner prescribed by the by-laws or by a vote of the town. The selectmen may by the same warrant call two or more distinct town meetings for distinct purposes.

"The warrant shall express the time and place of the meeting, and the subjects to be there acted upon; the selectmen shall insert therein all subjects which may, in writing, be requested of them by any ten or more voters of the town, and nothing acted upon shall have a legal operation, unless the subject-matter thereof is contained in the warrant."

The following is the form of the warrant for calling the Annual Town Meeting in the state of Massachusetts: —

WARRANT FOR CALLING THE ANNUAL TOWN MEETING.

E——, ss. To either of the Constables of the town of B——, in the said county, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the town of B—— qualified to vote in elections and in town affairs, to meet at the Town Hall in said B——, on —— the

—— day of —— next, at —— o'clock in the forenoon, then and there to act on the following articles: —

1. To choose a moderator to preside in said meeting.

2. To choose all necessary town officers for the year ensuing.

3. To hear the annual report of the selectmen, and act thereon.

4. To raise such sums of money as may be necessary to defray town charges for the ensuing year, and make appropriations of the same.

And you are directed to serve this warrant, by posting up attested copies thereof, one at the Town Hall, and one at each of the public meeting-houses in the said town, fourteen days at least before the time for holding said meeting. The polls will open at —— o'clock, A.M., and will close at —— o'clock, P.M.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this —— day of ——, in the year one thousand eight hundred and ——.

SELECTMEN OF B——

[NOTE TO THE TEACHER. — Object lessons are the most effective of all lessons. It is the practice of some of our best teachers to have the scholars conduct a mock town meeting. Previous to the day on which the town meeting is held, the teacher should write off, or have written, a warrant, which should be posted in some convenient place in the school-house, signed by the selectmen, previously appointed from the scholars by the teacher. A town constable and a town clerk should also be previously appointed; — the constable to post the warrant and make returns thereon, and the town clerk should call the meeting to order, and preside until a moderator be elected.

On the day the town meeting is held, the school should organize and carry through the forms of such a meeting according to the warrant already posted. If it be an Annual Town Meeting, let the town officers be elected by ballot, let the business of the town, as embodied in the warrant, be conducted in order, and the meeting finally adjourned.

Any skilful teacher who has a few bright scholars in the school (and what school has not?) will find this practice of holding town meetings or of holding mock courts, or a Legislative Assembly, as the House or the Senate, to be of much interest and of great value to the school.]

Section III. — Cities.

When the population of the town becomes so large that it would be difficult to transact public business in the town meeting, it is customary all over the country for the town, by a majority vote, to apply for a city charter. In some states a special act of the Legislature is necessary to grant a charter for the new city. In other states a charter may be obtained, under circumstances defined by law, from the officers of the state in accordance with a general statute for the incorporation of cities. This charter must be accepted by a majority of the legal voters at the town meeting called for that purpose. The charter defines the powers and duties of the several officers to be chosen under it.

The City Government. — The City Government is vested in the Mayor and the City Council. The Council may consist of two bodies, (1) a

Board of Aldermen and (2) a larger board called a Common Council, or it may consist of but one body, a Board of Aldermen and no Council, or a Council and no Board of Aldermen.

The Mayor is elected by the voters of the whole city. The Aldermen are in some cases elected by wards or districts, and in others on a general ticket for the whole city. The members of the Common Council are usually elected by wards.

The city, like the town, has its school committee, assessors of taxes, overseers of the poor, clerk, treasurer, collector of taxes; and it usually has a superintendent of streets, officers of the fire department, a city solicitor, a city physician, auditor, city marshal or chief of police, and sometimes other officers. Many of these officers are appointed by the City Council rather than elected by the people.

Mayor. — The Mayor is the executive officer of the city. He must see that the laws are enforced, and that subordinate officers are faithful in their duties. He makes recommendations to the City Council. Usually he has a veto power over the Council similar to the veto power of the Governor over the legislature. The Mayor in some cases is considered as a member of the Board of Aldermen, and presides over them. In other cases he presides over them but has only

the casting vote. In still other cases he is not connected with the Board of Aldermen.

The Aldermen. — The Board of Aldermen have powers and duties corresponding to those of the selectmen in the towns. They draw jurors, issue warrants for ward meetings, and in legislative matters have joint power with the Common Council.

City Council. — The City Council, whether consisting of one body or of two, have the power to fix the salaries of officers, to levy taxes, borrow money, make appropriations for the various departments of the City Government, and in general to care for the public interests of the city. The City Council pass what are called ordinances relating to public matters, like the construction of sewers, the erection of buildings, obstruction of streets, prevention against fires, punishing vagrancy and truancy, and whatever is needful for the preservation of property, the public health, and the general well-being of the city.

The town organization, as has been seen, is a democracy, while the City Government is representative. The executive power of the mayor and aldermen in the city corresponds to that of the selectmen in the town. The legislative power in the city is found in the City Council instead

of the whole body of voters as in the town. The City Council elects inferior officers instead of the people as in the town. In the city, voters meet in districts or wards for the election of officers, while in towns all the voters usually meet in one body. In some instances, however, large towns have been divided into voting precincts.

Section IV. — Counties.

The state is divided for convenience in local government into counties, or into counties and towns. In the south and some portions of the west, the states are divided into counties only. In New England and some of the Middle and Western States, the counties are sub-divided into towns or townships. The division into counties is found in every state except Louisiana, which is divided into parishes.

In all states where the counties are divided into towns, the town is the unit of government, and in some states more important than the county. Where the counties are not thus divided, the county is the unit of government. Where towns exist, the local government is divided between the county and the town. Both counties and towns are corporations.

County Commissioners. — In most of the states, but especially in those states where the local gov-

ernment is vested in the county rather than the town, the chief executive officers for the counties are called County Commissioners. In some states there are officers called supervisors, and the supervisors of the several towns in the county form a board of supervisors for that county. These boards have the care of the public property of the county and attend to all matters of building or repairing public buildings, such as the courthouse and county jail. In those states where no towns are found, or where the county officers have more political power than those of the towns, these county boards or county commissioners exercise large powers with regard to schools, taxes, highways, bridges, etc.

County Treasurer. — Each county has a Treasurer who has the custody of all moneys belonging to the county, receiving the funds and paying them out as required.

County Auditor. — In some states there are officers called County Auditors, whose duty it is to examine and certify bills against the county.

Recorder or Registrar of Deeds. — In most states each county has a Recorder or Registrar of Deeds, whose duty it is to keep permanent records of all deeds, mortgages, and other written instruments which are required by law. In a few states these records are kept by the town clerks in the several towns.

Sheriff. — Each county has a Sheriff, or, as in some states, a Deputy Sheriff, to distinguish him from the High Sheriff. It is the duty of the Sheriff to execute all warrants, writs, and other processes intrusted to him by the courts, to arrest persons accused of crime, and to have charge of the county jail and its prisoners.

Coroner. — It is the duty of the Coroner to inquire into the causes of the death of persons who have died suddenly or by violence. The Coroner summons a jury, who examine witnesses and give their opinion in writing as to the manner and cause of the person's death. This is called a Coroner's inquest.[1]

District Attorney. — It is the duty of the District Attorney to conduct the prosecution in all courts of the county in which persons are tried for crimes. He is sometimes called the prosecuting attorney or the state's attorney.

Assessors. — Wherever the taxes are assessed and collected by counties instead of by towns, the counties have Assessors and Collectors of Taxes. Their duties have already been described. There are also county Surveyors and other officers differing in different states.

School Commissioners or Superintendents. — In a large number of states the public schools are managed by counties. In such cases the county

[1] In Massachusetts, where there is no Coroner, the inquiry is made by a "Medical Examiner," and the inquest is held by a court or trial justice.

has a School Commissioner or a Superintendent of Schools, whose duty it is to examine teachers, visit the schools, and attend to general matters relating thereto, but only as directed by the laws of the state. In some states there are county boards of education, differently constituted, who have under their care the interests of the public schools.

These various county officers may be considered as belonging to two classes in respect to their jurisdiction. Some of them are the representatives of the county only, while others are considered as state officials, but exercise their power only in their own county. The County Sheriff arrests a man for crime, but as the crime is fixed by state law, it is considered that the state arrests the man; yet this arrest is made by the agent of the county. So when the district attorney prosecutes him, it is in the name of the state whose law he has violated. But the county commissioners, or the recorder, or county treasurer act only for their county, and in no sense in the name of the state

Section V. — Education.

Perhaps no department of our government is of more importance than our system of public schools. Although these are supported and regu-

lated by the state, yet they are substantially local institutions and may properly be treated in this place.

Monarchies do not necessarily rely on the intelligence of the people for the preservation of their form of government, but a republic is made secure only by the intelligence and morality of all the people. It is generally agreed that intelligence, enterprise, thrift, and virtue are essential elements for a popular government. It would be unwise and dangerous to the state for us to allow any portion of our people to bring up their children in ignorance or vice.

The public school began its history in this country in New England. The Boston Latin School dates from 1635. Harvard College was founded, partly by private gifts and partly by the government of Massachusetts Bay, in 1636. The town of Dorchester established the first public school which was supported by taxation in 1639. From this time onward the district school in New England became an important institution, so that long ago it was considered one of the boasted products of New England.

When the territory northwest of the Ohio River was first settled, many of the pioneers went from the Eastern States. They carried with them and established in that section the New England

system of public schools. This institution has since prevailed in all the great northwest and in the states upon the Pacific coast, and since the late war it has been established by law in every southern state. All the organized territories have also established for themselves public schools. We have then to-day a system of public schools prevailing in every state of the Union, in every organized territory, and in the District of Columbia. The laws relating to the schools, as well as their management, differ greatly in different states. In New England, where they first started, much is left to the people of each town. The state has a Board of Education and a Superintendent of Public Instruction. In some states this officer is called a Commissioner of Education, in others he is termed the Secretary of the Board of Education. The state makes laws for the government of the schools, and apportions a certain sum of money among the several towns, but each town levies a tax upon its inhabitants and their property for school purposes.

In the west and the south the states have a more direct management of the schools, exercising a more immediate control over them. Many states have school funds to aid in supporting their public schools. In those states where the counties are not divided into townships, the schools are county

schools, usually divided into districts for schools of the lower grades, but having one or more county high schools.

In some states public schools are largely elementary in their character, but a majority of the states carry public instruction through a high school course. Many of the Western States maintain also state universities, in which any young person belonging in the state can have free instruction through a liberal course of college or university study.

Private Institutions of Learning. — In addition to the public schools, all sections of our country maintain many private institutions of learning. There are private schools — primary, grammar, and high — in most of our large towns and cities. Many academies and seminaries have been founded and endowed by benevolent persons, where an excellent education can be obtained at moderate expense. Colleges and universities are numerous in all parts of our country. Many of them are well endowed with large funds, enabling them to give a liberal education at a small part of its actual cost. Of late, parochial schools have been established by the Roman Catholic Church in large numbers in different sections of the country. The different Protestant denominations have, to a greater or less

extent, denominational schools here and there, of various grades. Perhaps there is no country in the world where the opportunities for every one to obtain a good education are more widespread than in the United States of America.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

TOWNS.

1. Give an account of the early New England town.
2. Western towns. Why are the towns in some sections of less relative importance than in New England?
3. Town meeting — importance.
4. Town officers — how elected.
5. Duties of Town Clerk.
6. Duties of Town Treasurer.
7. Duties of Selectmen.
8. Duties of Assessors.
9. Duties of Constable.
10. Duties of School Committee.
11. Duties of Overseers of the Poor.
12. Duties of Road Commissioners.
13. What preliminaries are needed before a town meeting can be legally organized?
14. What can be done legally in a town meeting?

CITIES.

15. What is a city charter?
16. How obtained?

17. Difference between a town government and a city government.
18. How is the Mayor elected?
19. Duties of Mayor.
20. Duties of Aldermen.
21. Duties of Councilmen.

COUNTIES.

22. Where are counties of the most importance? Why?
23. What state has no counties?
24. When are counties units of government?
25. Duties of County Commissioners.
26. Duties of County Treasurer.
27. Duties of County Auditor.
28. Duties of Recorder.
29. Duties of Sheriff.
30. Duties of Coroner.
31. Duties of District Attorney.
32. Duties of Assessors.
33. Duties of School Commissioners.
34. Write an essay upon our system of public schools.

[Let different pupils take different topics concerning public schools, e.g.: (1) Why is it right or just to tax all the property to support public schools? (2) The necessity of compulsory education. (3) Should the state support high schools? (4) Should it support colleges? (5) Advantages and disadvantages of private schools. (6) Advantages of graded schools. (7) Why should we learn to read? (8) Is it a disgrace to be a poor speller? (9) Is it any credit to be a good speller?]

BLACKBOARD OUTLINE.

DEPARTMENTS OF GOVERNMENT.

1. Legislative | 2. Executive.
3. Judicial.

LEGISLATIVE DEPARTMENT.

1. The House. | 2. The Senate.

EXECUTIVE DEPARTMENT.

1. The Governor. | 2. The Lieutenant-Governor.
3. The Council.

OTHER EXECUTIVE OFFICERS.

1. Secretary of State.
2. Treasurer.
3. Auditor.
4. Attorney-General.
5. Surveyor-General.
6. Commissioner of Public Schools.
7. State Librarian, and others.

THE STATE COURTS.

1. Justice Courts.
2. Police Courts.
3. County Courts.
4. Supreme Court.

CHAPTER III.

STATE GOVERNMENTS.

SECTION I. — THEIR ORIGIN.

WHEN the War of the Revolution commenced, it united thirteen English colonies, which were located along the Atlantic coast of North America, in rebellion against the British government. On the 4th of July, 1776, these colonies, through their delegates assembled in the Continental Congress, declared themselves independent of the mother country, and published to the world their intention of taking their place as one of the nations of the earth. The several colonies at that moment became states. They immediately adjusted their government in accordance with the new conditions under which they were placed. On that same day began the new nation of the United States of America, and the separate existence of each state as a state in the Union. One after another of these states formed a written constitution for itself, some just before, the others after the Declaration. These were termed state constitutions. Every one of the present forty-

four states has a written constitution, which was formed by a convention of the people, and which has been adopted by a majority vote.

Virginia was the first state to adopt a constitution, June 29, 1776. On the 2d of July, New Jersey adopted a constitution. These two were prior to the Declaration of Independence. Before the end of that year, Maryland, Delaware, Pennsylvania, and North Carolina had adopted constitutions. In 1777 Georgia, New York, and Vermont adopted constitutions, although Vermont was not admitted into the Union as a state until 1791. South Carolina adopted her constitution in 1778, Massachusetts in 1780, and New Hampshire in 1784.

Connecticut and Rhode Island continued their governments under their former charters received from the king. The charter of Connecticut dated from April 20, 1662, and it served as a constitution for that state until the year 1818. The charter of Rhode Island went into operation July 8, 1663, and that little state retained it as her constitution until the year 1842, when she adopted a state constitution. At the time that charter was superseded by the new constitution (1842), it was the oldest written constitution then in force in the world.

These various state constitutions all contained substantially: —

1. A Bill of Rights.
2. An Executive Department.
3. A Legislative Department.
4. A Judicial Department.

Section II. — The Legislative Department.

The Legislative Department makes the laws for the state, but the state laws must not conflict with the constitution of the state nor the constitution of the nation. The state laws relate to matters of justice, equity, and rights, concerning the dealings of the citizens with each other and with the state. They provide for the organization of corporations, the establishment and support of educational and charitable institutions, and make all needed regulations for the prosecution and punishment of crime. In general, the aim of the Legislature in all laws is to promote the general welfare of the people of the state.

It was but natural that these English colonists should follow in many things the notions and customs which they had received from the mother country. In Great Britain the Legislative Department of the government included the House of Commons and the House of Lords. The American states severally, and the United States in its constitution, all followed the British system of two houses.

The House of Representatives. — Each state has a House of Representatives, although not always called by that name. The Representatives are chosen in nearly all of the states on the basis of population. For this purpose the state is divided into representative districts. A few states elect representatives for one year, but more elect for two years; while some elect for three years, and a few for four years.

The Senate. — The Senate is considered the upper house of the Legislature. The office of Senator is supposed to be of higher honor than that of Representative. The Senators are chosen from senatorial districts, which in all of the states are larger than the representative districts, making the Senate a smaller body than the House. Each house has a list of standing committees, and most of the business of the two houses is considered, examined, digested, and reported to the house by the appropriate committees; so that much of the ordinary business of the house is to pass a formal sanction upon what has been done by the committees. In this way the transaction of business is greatly facilitated, and the result is probably wiser than if every detail came before the full house.

When, however, some matter of importance upon which there is a diversity of opinion comes

from a committee, the house discusses the subject, the members who are specially interested in that particular question debate it with all the strength of their decided convictions; and then, when the majority has decided the point, the minority yield gracefully, and the law is passed or defeated, as the case may be.

The Making of a Law. — Before any bill can become a law it must be presented to one of these two houses, usually reported upon favorably by a committee, passed to a second reading, generally laid over until another day, then being called up it takes its third reading, and if adopted by the requisite vote, is sent to the other house. Here it goes through the same form as before, and on a favorable report from the proper committee it passes to its three readings. If at the third reading it obtains a majority vote, it is ordered to be engrossed and sent to the Governor for his signature. In most states the Governor has a veto over all bills passed by the Legislature. If he signs the bill, thereby indicating his approval of it, it becomes a law, and it is then sent to the Secretary of State to be placed on file for preservation. If the Governor disapproves of the bill he refuses to sign it, or in other words he "vetoes" the bill, and returns it with his objections to the house where it originated. In this

case it must pass the two houses of the Legislature again, and in nearly all the states a two-thirds vote is necessary. If it fails to receive this vote in either house, the bill is killed. In some states a majority vote only is necessary to pass the bill over the Governor's veto.

Each house is the judge of the election and qualifications of its own members, chooses its own officers, and establishes its rules of procedure. In some of the states the House of Representatives only can originate bills looking toward taxation or the expenditure of money.

Section III. — The Executive Department.

The Governor. — The chief executive officer of the state is the Governor. It is a common custom to apply to him the title of "His Excellency." In the early history of the states New Hampshire, Pennsylvania, Delaware, and South Carolina called the executive officer the President. All other states from the outset gave him the name of Governor.

In a monarchy the chief executive officer is the monarch himself. In him is the source of power, and other officers are responsible to him. Under a republican form of government, as in the several states, the executive officer holds inferior offi-

cers responsible to him, but he in turn is responsible to the people, who are the source of all political power.

Term of Office. — The Governor is elected by the people; in some states annually, in others for the period of two, three, or four years. The tendency at present seems to be toward biennial elections.

Qualifications. — The qualifications necessary for a Governor differ in the different states. The qualifications for a Governor in every state are determined by the constitution of that state. These constitutions commonly agree that to be eligible for the office of Governor a person must have been for a certain number of years a citizen of the United States, and for a term of years immediately preceding his election a resident of the state. He must also be above a certain age, which in most of the states is thirty years.

Powers and Duties. — The executive powers and duties of the Governor are important and various. It is his duty to represent the state on public occasions and in its dealings with other states and the United States. He is Commander-in-Chief of the military forces of the state, and has the power to call out the militia of the state in time of insurrection. It is his especial care as the chief executive to see that the laws be faith-

fully executed. He has power to call upon the different executive officers under him for information concerning the condition of affairs in their respective departments. He communicates information of the condition of the state by message to the Legislature when in session, and is accustomed to recommend to that department of the government such measures as he considers necessary and desirable. He usually has the power to call together the Legislature on extraordinary occasions. In most states he has the veto power.

The Governor has certain judicial powers. In most states the power is granted to him by the constitution to reprieve or pardon criminals. To reprieve a criminal is to postpone or delay for a certain time the execution of the sentence which has been already pronounced upon him. To pardon is to free the criminal entirely from the execution of the sentence. A pardon forgives the offence and releases the offender. Most states also give the Governor the power to commute a sentence; that is, to change the penalty or punishment for a less severe one. For instance, when a person has been sentenced to capital punishment, the Governor may commute that sentence to imprisonment for life. In some states the pardoning power is not given to the Governor, but is retained in the hands of the Legislature, or the Senate, or the Governor's Council.

The Governor has also in all states more or less appointing power. He appoints many executive officers and sometimes judicial officers. This power of appointment differs greatly in the different states. In some states he appoints all the principal executive and judicial officers, such as the Secretary of State, the Attorney-General, and the judges of the courts. In other states these officers are elected by the people, and the Governor appoints only officers of a lower grade. In none of the states has he the power to appoint legislative officers. In some states the Governor is intrusted with powers and duties which it is not necessary to mention here. Some states provide for a "Governor's Council," or, as it is sometimes called, an "Executive Council." The members of this council are usually elected by the people, and their duty is to advise the Governor, especially in regard to certain matters definitely stated in the laws.

Lieutenant-Governor. — Most of the states have an officer called a Lieutenant-Governor. In one-quarter of the states this office does not exist. Usually he has but few duties. In most of the states which have such an officer he presides in the Senate. The principal reason for having a Lieutenant-Governor is to guard against a vacancy in the office of Governor. Should the

Governor die, or by any reason be removed or become incompetent to discharge the powers and duties of his office, these would devolve upon the Lieutenant-Governor; but in every instance only in accordance with the constitution of the state.

Executive Officers. — The executive officers vary in the different states. In most of them the constitution provides for a secretary of state, an auditor or comptroller, a treasurer, and an attorney-general. Some states have an officer called a surveyor-general, whose duty it is to look after the lands belonging to the state; a superintendent of schools, or superintendent of public instruction, or commissioner of public schools; state printer; a state librarian, and others.

Some states have boards of education whose duty it is to exercise supervision over the normal schools of the state, if there are such; prescribe forms for registers and blank-books for school statistics; to direct or advise the superintendent of public instruction; and to make annual report to the Legislature of the state concerning education within its limits, with recommendations for necessary legislation or appropriations.

Some states have a board of agriculture, a board of health, a board of prison commission-

ers, a board of railroad commissioners, harbor commissioners, insurance commissioners, commissioners of savings banks, and the like.

Section IV. — The Judicial Department.

The constitutions of the several states provide for the establishment of courts of justice and carefully define their powers. In some states the judges are appointed, and in others they are elected by the people. The legislative department makes laws, the executive department enforces them, but the judicial department interprets the laws and decides cases of law, making the proper application so as to insure justice to individuals. The names and powers of the different courts differ greatly among the several states. In no two states is the judicial department exactly alike. All that can be done here is to give a tolerably correct idea of the judicial system to be found in most of the states.

Justices of the Peace. — In the various towns or counties in the different states officers are chosen, termed Justices of the Peace. The justice will hold a petty court, in which he has the power to try civil cases which involve small amounts. Some states limit this amount to one hundred dollars, and others to fifty dollars. He has also

the power to try persons charged with small crimes. Sometimes he has the power to make a preliminary examination and bind over criminals for trial in the higher courts.

Police Courts. — In the cities the lowest order of courts, similar to the justice courts in the towns, is usually termed police courts.

County Courts. — In most of the states the courts next above justice courts or police courts, which are organized for the trial of civil cases and of crimes, are held by counties, and are called by various terms, such as district courts, county courts, courts of common pleas, superior courts, etc. Many of the states outside of New England call these courts circuit courts.

Supreme Court. — The highest court in the state is usually called the supreme court of such a state. This is usually not a court of original jurisdiction, but only for the trial of cases appealed from the lower courts.

Probate Courts. — The term probate court is used in most of the states with a uniform meaning. Usually there is one probate court in every county, which has generally but a single judge. These courts are quite different in character from the courts just described. They are not for the trial of disputes between citizens, nor for the trial of persons charged with crime, but their powers

and duties relate exclusively to the settlement of the estates of deceased persons. They act upon wills, appoint administrators, and empower executors to act in accordance with the wills. When a person dies, leaving property, but not having made a will, it is said that he dies *intestate*. In that case it is the duty of the probate court to appoint administrators, whose duty it is to settle the estate, paying all lawful bills brought against it, and to divide the property among the relatives to whom it would belong by law. Strictly speaking, the administrator has no jurisdiction over the real estate of a person deceased. The lawful heirs can take possession of that without authority from the court.

When a person dies leaving a will, he usually names in that will an executor or executors, whose duty it shall be under the will to dispose of his property in accordance with the provisions of the will. The probate court has power to remove executors or administrators who fail in the discharge of their duty, to settle their accounts, and to decide questions of dispute which may arise in the distribution of the estate. Probate courts are sometimes called orphans' courts, because they have the power to take charge of the estates of minors whose parents have died, and to appoint guardians for them.

Questions of dispute which may arise concerning decisions of probate courts may be appealed to the county courts or the supreme court of the state.

Judges of the various courts are sometimes appointed by the Governor, sometimes by the Legislature, and sometimes elected by the people. Their terms of office differ in the different states. Frequently the term is from six to ten years. Justices of the peace are usually elected for one or two years. It is common in the New England States for the judges of the higher courts to hold office for life. All the officers under the judicial department, as well as those in the legislative and executive departments, receive salaries which are fixed by state laws.

There are many other matters of various kinds relating to the state governments, which might be considered with propriety here, but which may better be omitted, especially for the reason that most of them will be fully explained and better understood under the department of our national government. The subordination of the parts to the whole, of the inferior to the superior, must be kept in mind. The town and the county are portions of the state, are inferior to the state, and are subject to its power and its law, but only so subject in matters over which the state by the

constitution has authority vested in it. So in like manner it must be remembered that the states are parts of the nation, and as such are in subordination to the national authority, but only in such matters as the nation has power given to it by its constitution.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the Declaration of Independence?
2. How did the colonies become states?
3. Write a paper of one hundred words or more, describing the legislative department of a state.
4. Difference between the "House" and the "Senate."
5. Describe how a law is made.
6. Duties of the Governor.
7. Is a Lieutenant-Governor like a "fifth wheel to a coach"?
8. What executive officers are there in the states?
9. Justice Courts.
10. Police Courts.
11. County Courts.
12. Supreme Courts.
13. Probate Courts.
14. What is meant by intestate?
15. What is meant by executor?
16. What is meant by administrator?
17. State Judges — how appointed or elected?

BLACKBOARD OUTLINE.

SETTLEMENTS.

1. Spanish. | 2. French.
3. English.

COLONIAL AND REVOLUTIONARY HISTORY.

1. The Supreme Moment in the History of America.
2. First Continental Congress.
3. Second Continental Congress.
4. Articles of Confederation.
5. Plan of the Confederation.
6. The Federal Convention.

CHAPTER IV.

COLONIAL AND REVOLUTIONARY HISTORY.

SECTION I.

The Contest of the Kings for North America. — After the discovery of America by Columbus Spain claimed the right to the new world. It was not long, however, before Great Britain, France, and other nations sent over vessels on exploring expeditions, each claiming the right to the country along whose coast they sailed. A little later settlements were attempted here and there from Quebec to St. Augustine, in Mexico, Central and South America.

Spanish Settlements. — Spain made the first permanent settlement in what is now the United States, at St. Augustine, Florida, in 1565. Spain at an early date took possession of Mexico, Central America, and a large part of the Atlantic coast of South America. So it came to pass that the Spanish Provinces were all further south than the country which at a later date became the United States of America.

French Settlements. — The French people are entitled to great praise for their early explorations and settlements in North America, and for the devoted efforts of French priests to instruct and Christianize the North American Indians. Father Marquette, Chevalier De La Salle, Joliet, and many others penetrated into the wilderness, traced the course of the principal rivers, navigated the Great Lakes, and explored the entire valley of the St. Lawrence and the Great Basin of the Mississippi.

They had possession of what is now the British Provinces at the north of us, and of the entire country between the Alleghanies and the Rocky Mountains.

English Settlements. — Great Britain was at an early date very active in sending out expeditions for discovery and explorations. The Cabots, Sir Francis Drake, Sir Humphrey Gilbert, Capt. John Smith, Gosnold, and others sailed along the Atlantic coast, taking possession of the country in the name of the king of Great Britain. Settlements were effected at Jamestown, Plymouth, Salem, Boston, Hartford, New Haven, and later still Philadelphia, and along the coast of the Carolinas and Georgia.

The Contest for Supremacy. — Thus it happened that these three great European nations,

to say nothing of Portugal, Holland, Sweden, and other minor powers, had before the middle of the last century planted flourishing settlements and organized governments for prosperous colonies along the coast and in the interior from Quebec to the Isthmus of Darien.

If the map of North America were made in three colors, showing the several parts of this continent held by these three great powers from 1740 to 1750, the lines would be somewhat as follows: The green color, which might represent Spain, would cover Florida, Mexico, and Central America. The yellow shade, representing France, would include all of the present British America and the entire valley of the Mississippi River. The red, which we will have represent the British power, will cover only the few feeble colonies along the coast from Maine to Florida, and extending westward to the Alleghany Mountains.

Section II. — The Contest Ended.

The Supreme Moment in the History of America. — In the year 1754 hostilities broke out between the English colonies in North America and the French. During several years preceding this date the French had established a line of posts along the Ohio River and near the Alle-

ghany Mountains, intending to prevent the English from extending themselves beyond the mountains to the westward. Washington, at the head of troops from Virginia, was sent to dislodge the French from Fort Duquesne. In the next year, 1755, occurred the defeat of General Braddock near this fort. In 1756 Lord Loudon was sent to command the British troops in America. The contest went on with the battle of Louisburg, Fort William and Henry, and the capture of Fort Frontenac. The English were defeated at Fort Ticonderoga, and fought other battles, until General Wolfe was sent by the British to take Quebec, and there defeated the French army under Montcalm.

The Battle of Quebec. — During the night the British forces climbed the steep precipice from the river up to the "Plains of Abraham." A fierce battle ensued. It was the turning-point in the history of America. If the French should be able to compel the forces to retreat, France might reasonably expect to hold permanent possession of both the French and the English colonies of North America. If, on the other hand, the English should capture the city of Quebec, France would be beaten, and she would be obliged to surrender her vast possessions in this new world to Great Britain. The English were successful. Wolfe

and Montcalm were both killed. Montcalm, when dying, said, "I am happy that I shall not live to see the surrender of Quebec." Wolfe, after receiving his mortal wound, being told that the French were fleeing everywhere, said, "Now God be praised! I die in peace." This was in the year 1760, and soon after the English completed the capture of Canada.

Had the French succeeded in this contest, the English colonies would have been obliged to surrender themselves to the domination of France. The French language, French customs, French laws, would have controlled America; but, on the other hand, as the English were victorious, France was swept from the continent of America, and not till the beginning of the present century did she again secure any foothold here. The treaty of 1763 between England and France was a great triumph for the English-speaking race.

One historian says, "England, proudly imperious, drunk with success, dictated humiliating terms to France, and robbed her of all her possessions in North America." Great Britain took possession of the entire valley of the St. Lawrence, — which carried with it all the country which we now know as British America, — and all the territory east of the Mississippi River. France was permitted to cede to Spain the terri-

tory west of the Mississippi River, lying between that river and the Rocky Mountains, which was known as the "Province of Louisiana." This may well be called the supreme moment in the history of North America. From this time onward it was manifest that England and the English-speaking people must dominate this country. Count De Vergennes, a distinguished French statesman, was at that time the French minister at Constantinople. As soon as he heard what the English demands had been, and that the French had lost all in North America, he said, "The English have overshot the mark. Their next step will be to tax their American colonies to help defray the expenses of this war. The Americans, then no longer needing the protection of England, will refuse to pay the tax, and strike off all dependence upon the mother country." This was in 1763. How true his prophecy was will readily appear when we observe that the Declaration of Independence was passed only thirteen years later. The British did tax the colonies, the colonies did refuse to pay the tax, and, the French power being entirely swept away, and the Spanish being far off beyond the Mississippi, they no longer feared any foreign nation, so that their own independence was only a question of time. The Stamp Act alienated the Americans,

the tax on tea exasperated them; hostilities were commenced, the Declaration of Independence was put forth, the war ensued, and the thirteen British colonies became an independent republic.

The surrender of Cornwallis upon the plains of Yorktown occasioned the resignation of Lord North, and an entire change in the British ministry. Yet it was more than a year before terms of peace could be agreed upon, and two years before the definitive treaty was signed.

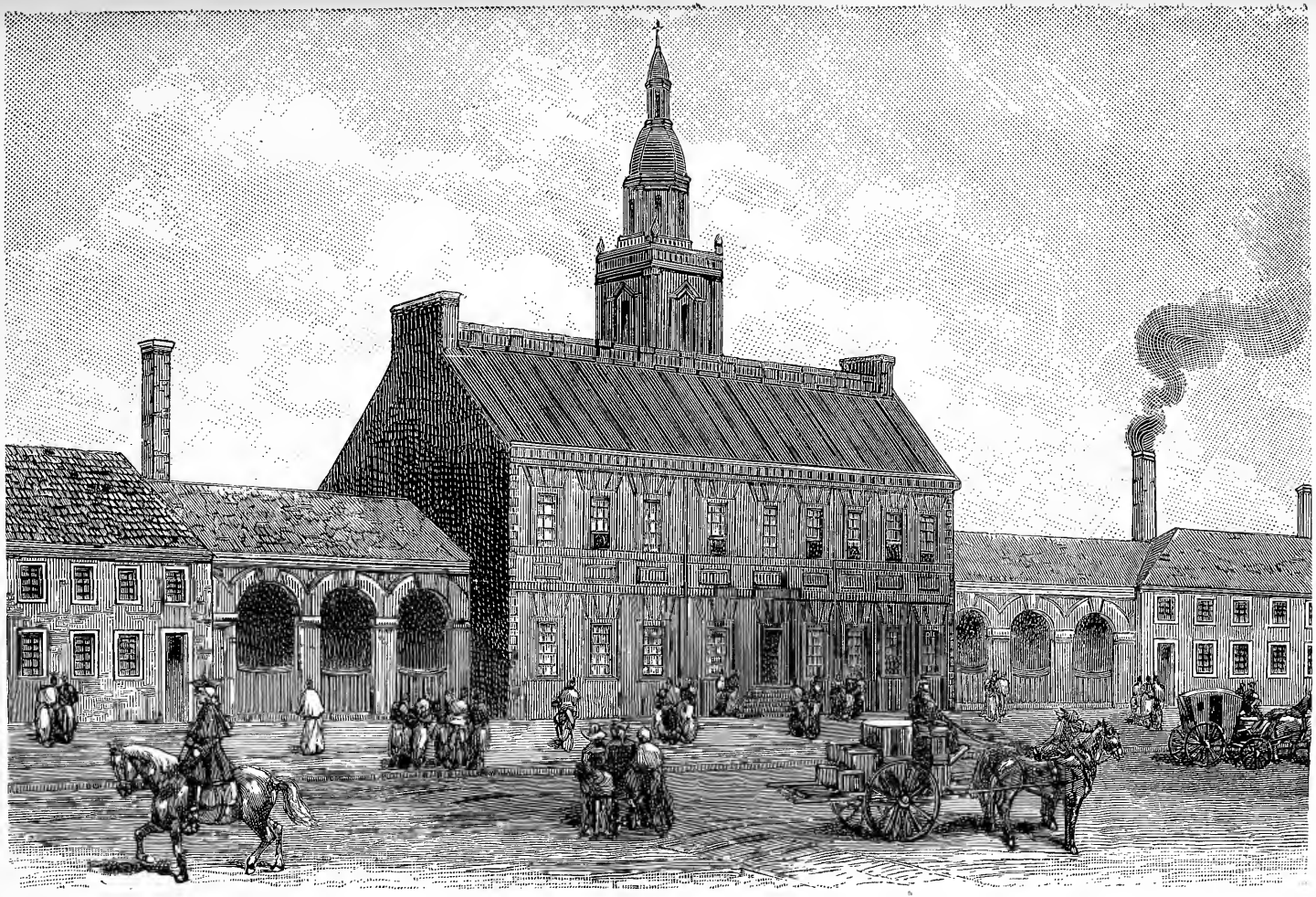
The First Continental Congress. — Sept. 5, 1774, on the recommendation of Massachusetts, a Continental Congress consisting of delegates from twelve colonies assembled in Philadelphia. The youngest colony, Georgia, was not represented. This gathering came to be known as the First Continental Congress. Many distinguished men were members of it, such as John Adams and Samuel Adams of Massachusetts, Roger Sherman of Connecticut, John Jay of New York, Peyton Randolph, Richard Henry Lee, Patrick Henry, and George Washington of Virginia. Peyton Randolph was chosen president. The Congress adopted the following resolution: "That in determining questions in this Congress, each colony or province shall have one vote; the Congress not being possessed of, or at present able to procure, proper materials to ascertain the importance of each colony."

The adoption of this rule proved to be a matter of great importance subsequently, inasmuch as it continued in force through the entire Revolutionary War, and until the Federal Constitution went into effect in 1789.

The Congress drew up four papers, — an address to the king, another to the people of Great Britain, a third to the inhabitants of the colonies, and a fourth to the people of the province of Canada. They recommended that another Congress be called for the tenth of the following May, in case the grievances complained of were not previously redressed. No good results were obtained from these addresses to Great Britain, although several British statesmen, including Lord Chatham, spoke of them in terms of highest admiration.

Section III. — The Revolution.

Second Continental Congress. — In accordance with the vote of the First Congress, the Second Continental Congress assembled at Philadelphia on the 10th of May, 1775. This Congress continued in session until March, 1781, and after that date it had annual sessions till the Federal Constitution went into effect in 1789. This Second Continental Congress was in reality the national government through the Revolu-



THE STATE HOUSE, PHILADELPHIA, WHERE THE FEDERAL CONVENTION WAS HELD.

(REPRODUCED FROM AN OLD PRINT OF ONE HUNDRED YEARS AGO.)

tionary War. It appointed Washington as commander-in-chief of the army of the United Colonies; it adopted the Declaration of Independence; it assumed the power to carry forward all necessary measures for the defence of the country; it created a continental currency; it issued bills of credit; it established a treasury department and a general system of post-offices. It recommended that the several colonies should establish for themselves such forms of government as promised best to secure good order during the continuance of the controversy with Great Britain.

Articles of Confederation. — No sooner had independence been determined upon than it became obvious that the states would need some written articles which should bind them together and give proper authority to the Congress. A committee was therefore appointed to prepare "Articles of Confederation." These Articles were agreed upon by Congress on the 15th of November, 1777. They were to go into operation when ratified by all the states. Eleven states ratified them in the year 1778, Delaware in 1779, and Maryland March 1, 1781, at which time they went into effect. But this was nearly five years after the Declaration of Independence. During all this time the Continental Congress constituted the national government, and had made the treaty

between the United States and France. The Articles of Confederation made but little difference in the management of affairs. The Continental Congress went right on with its work in the same order as before, and about six months later the surrender of Cornwallis virtually closed the war. Prior to the adoption of these Articles the government had been revolutionary, the Congress governing by common consent of the people of the states. These Articles were the first attempt to draw the line between the powers of the national government and those to be exercised by the states severally. The tendency for state supremacy was strong. The colonies had been heretofore independent of each other, with only one common bond, — the common subjection to the mother country. It was the central government of Great Britain which had made arbitrary demands upon their rights and liberties. They were naturally timid of authority and fearful of centralized power. The Articles were therefore drawn up with the intention of leaving the largest possible powers with the several states, and of giving to the National Congress just as little power and authority as possible. They were "as erroneous in theory as they were inefficient in practice." The object aimed at by them was to confederate the several states together for general

purposes of mutual assistance, especially in matters of protection against foreign foes.

Plan of the Confederation. — The Articles provided for one house of Congress composed of delegates from the several states. Each state was to pay its own delegates, and the voting on all questions was to be by states.

Matters of war and peace, treaties and alliances, were left with the Congress. This body could decide disputes between states, had charge of all postal matters, and power to regulate the value of money; but an affirmative vote of two-thirds of all the states was necessary for any important action to be taken. There was no executive department and no judiciary. Congress could apportion taxes among the states, but had no power to collect them. Each state could lay duties and imposts. Congress had not even power to enforce its own laws. It could borrow money, but could make no provision for its payment. It could appoint ambassadors, but could not defray the necessary expenses. It could declare war, but could not raise a single soldier. "In short, it could declare everything, but do nothing." The Congress ratified the treaty of peace between the United States and Great Britain, but this treaty was violated by the states, and Congress was powerless to prevent such violations.

The Confederation was merely a league between the states, embodying the greatest weakness when considered as a national government. Washington at an early day saw the difficulty and danger, and that a new constitution was the great problem of the time. Alexander Hamilton, one of the ablest statesmen of that day, as early as 1780 sketched the outline of a system of government which he thought to be necessary, and which embodied most of the essential features of our present constitution.

Federal Convention. — It had become entirely evident both to Congress and the people that the Confederation as a government was a failure. The states were issuing more and more paper money. Congress repudiated the national debt, and the states repudiated their debts. The country was rapidly becoming bankrupt. There were but few manufacturing establishments in America, and the coin of the country was constantly transferred to England in payment for vast quantities of manufactured goods sent over from that country to this. The several states were stripped of money. The credit of the states and of the Congress was gone, and the absolute collapse of the United States government was imminent.

Washington wrote to a member of Congress, "You talk, my good sir, of employing influence

to appease the present tumults in Massachusetts. Influence is not government. Let us have a government by which our lives, liberties, and properties will be secure, or let us know the worst at once."

Delegates from five states met in January, 1786, at Annapolis, Maryland, with reference to a uniform system of commercial regulations. They reported to Congress their unanimous conviction that a general convention of delegates from the several states should be called to take such action as would render "the Constitution of the Federal Government adequate to the exigencies of the Union." On the 21st of February, 1787, Congress adopted the following resolution: —

"RESOLVED, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union."

Delegates from all the states except Rhode

Island met at Philadelphia, Monday, May 14th, 1787. On the 25th, George Washington was unanimously elected President of the Convention. This Convention was without doubt the most celebrated gathering of able men ever seen in America.

Among the thirty-nine members of the Convention who subscribed their names to the Constitution, five, viz., Sherman, Franklin, Robert Morris, Read, and Washington, were signers of the Declaration of Independence; Washington and Madison were afterwards Presidents; Rutledge and Ellsworth became Chief Justices; Gerry was Vice-President, and Hamilton, Secretary of the Treasury; Livingston had been eleven times elected governor of his state; Wilson was famed in four universities and was esteemed the greatest constitutional lawyer of the Convention; and Dr. Franklin, then more than eighty years of age and very near the grave, rounded out his full life as a philosopher, statesman, diplomatist, by giving to his country at this her most critical period the great benefit of his own political experience. All of these men had been "identified with the heroic and wise councils of the Revolution."

The Convention had been called "for the sole and express purpose of revising the Articles of

Confederation." It soon, however, became evident that the only way of rendering this instrument "adequate to the exigencies of government and the preservation of the Union" was to throw it entirely away and frame a completely new document. At the very beginning of their discussions great differences of opinion were manifest. The members were generally divided into two classes, one favoring a strong national government, and the other opposed to anything which would tend to weaken state sovereignty or impair in any degree what they considered as state rights. Here then was the origin of the two great political parties, which have divided the American people from that day to this, — the states rights party and the national or federal party.

But there were other questions of no small difficulty which they were also obliged to meet at the outset: such as the diverse interests and jealousies of large and small states, of free and slave states, of states agricultural and commercial; and should the states have equal power in the national government, or should that power be proportional to the population of the several states.

Washington almost despaired, Franklin was seriously alarmed; but influenced by a spirit of mutual forbearance and concessions, various compromises were proposed and agreed to concerning

slavery, and especially in providing for an equality of the states in the Senate, and representation by population in the House. The present Constitution of the United States was agreed to by the convention, and received the signatures of members from all the participating states. This result was reached only by the most consummate wisdom, the most lofty patriotism, and such a degree of skill and ability as has seldom, if ever, elsewhere been witnessed in any assemblage of men. Washington said, "It appears to me little short of a miracle."

The Constitution was finally agreed to by all the states present on the 15th of September, 1787. This was on Saturday. On the following Monday it was signed by the members, and submitted to the Congress. The votes throughout the whole time of the Convention had been by states, as in the Continental Congress. The Congress transmitted the new Constitution to each state, recommending its ratification. Although the Articles of Confederation provided that no change should be made in them except by a vote of every state, yet the Constitution provided that the new government should go into effect when ratified by conventions of the people of nine states.

For a long time it was uncertain whether the Constitution would be adopted or rejected. Most

of the smaller states were in its favor. Its adoption was closely contested in New York, Massachusetts, and Virginia. In a little less than one year from its adoption by the Convention, it had been ratified by eleven of the states. Congress then took measures to put the new government into operation. Elections of presidential electors, and of senators and representatives in Congress, were held in January, 1789. The presidential electors voted for President on the first Wednesday of February; and the first Wednesday of March was decided upon by Congress as the time when the new Constitution should go into effect.

George Washington was unanimously elected President, and John Adams was elected Vice-President. On the 4th of March the senators and representatives assembled in New York, the new Constitution went into legal operation, and proceedings were commenced under it. It was not, however, until the first day of April that a quorum of members in both houses was obtained, and on that day Congress began the transaction of business. Washington took the oath of office, and delivered his inaugural address, on Thursday, April 30th. On May 1st John Adams took his seat as president of the Senate. North Carolina ratified the Constitution in November, 1789; and Rhode Island, in May, 1790.

Dates of Ratification.— The following are the dates of the ratification of the Constitution by each of the thirteen original states:

(1) Delaware, Dec. 7, 1787.
(2) Pennsylvania, Dec. 12, 1787.
(3) New Jersey, Dec. 18, 1787.
(4) Georgia, Jan. 2, 1788.
(5) Connecticut, Jan. 9, 1788.
(6) Massachusetts, Feb. 6, 1788.
(7) Maryland, April 28, 1788.
(8) South Carolina, May 23, 1788.
(9) New Hampshire, June 21, 1788.
(10) Virginia, June 26, 1788.
(11) New York, July 26, 1788.
(12) North Carolina, Nov. 21, 1789.
(13) Rhode Island, May 29, 1790.

Thus was put into operation the Constitution of the United States of America, which Gladstone, who is considered by many the greatest statesman of this age, has pronounced to be "the most wonderful work ever struck off at a given time by the brain and purpose of man."

It may truly be said that it embodies profound political wisdom and far-reaching statesmanship, while it jealously guards the rights of the people, providing various checks and safeguards against unjust, unwise, or dangerous legislation; and yet "in its words it is plain and intelligible, and is

meant for the homebred, unsophisticated understandings of our fellow-citizens."

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the "Contest of the Kings"?
2. Where was the first permanent Spanish settlement in the United States?
3. Where the first permanent English settlement?
4. Draw a map of North America, showing Spanish, French, and English control at the middle of the eighteenth century.
5. Draw a map showing the English and Spanish territory after 1763.
6. Describe the battle of Quebec.
7. What was the "Supreme Moment in American History," and why so called?
8. First Continental Congress.
9. What important rule did it adopt?
10. When did the Second Continental Congress convene?
11. Name the essential points of weakness in the Articles of Confederation.
12. Describe the Federal Convention.
13. When did the Convention submit the Constitution to Congress?
14. When did the Constitution go into effect?

BLACKBOARD OUTLINE.

THE LEGISLATIVE DEPARTMENT.—THE CONGRESS.

THE HOUSE OF REPRESENTATIVES.

The Number of Representatives.
Qualifications.
Territorial Delegates.
Officers.
Impeachments.

THE SENATE.

Senators, how chosen.
Qualifications.
Presiding Officer.
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PROVISIONS RELATING TO BOTH HOUSES.

Sessions of Congress.
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THE POWERS OF CONGRESS.

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The "Sweeping Clause."

RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

PART SECOND.

THE NATIONAL GOVERNMENT.

CHAPTER I.

THE LEGISLATIVE DEPARTMENT.

SECTION I. — THE CONGRESS.

The Preamble. — The purpose of the Constitution of the United States is fully stated in the preamble. It is as follows: —

1. To form a more perfect union.
2. To establish justice.
3. To insure domestic tranquillity.
4. To provide for the common defence.
5. To promote the general welfare.
6. To secure the blessings of liberty to ourselves and our posterity.

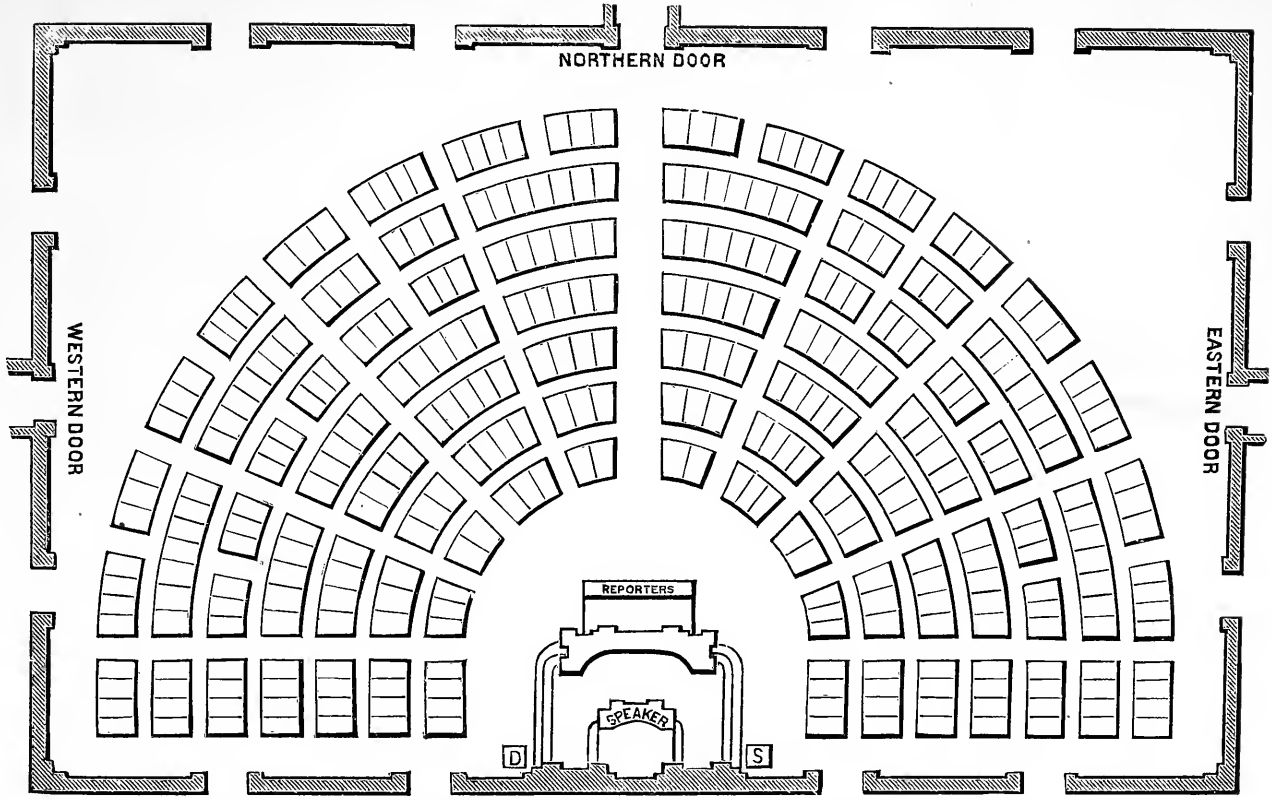
The National Element of Slow Growth. — The beginning of the nation was July 4th, 1776. During the Revolution and under the Articles of Confederation, great diversities prevailed among the people as to the proper limits of state rights and the proper extent of the Federal power. The weakness of the Articles of Confederation

rendered it very clear that the national government must have conferred upon it more extended powers. The Constitution was a compromise in many respects between divergent parties, but on the question of national supremacy there was no compromise. The Articles of Confederation constituted an agreement or bond between the several states which were specified by name. The Constitution, on the other hand, was not a league of states, but a fundamental law adopted by the people of the whole country. Its first sentence, called the preamble, is especially significant: —

> "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Section II. — The House of Representatives.

By the Constitution all legislative powers for the national government are vested in a Congress of the United States, which consists of two houses, the Senate and the House of Representatives. As has already been stated, the people were influenced largely in organizing their new government by the plans and methods which they



THE HALL OF THE HOUSE OF REPRESENTATIVES, WASHINGTON.

had been familiar with in the mother country. Hence it was simply natural that following the example of the British Parliament, which consisted of the House of Lords and the House of Commons, two separate houses should here be provided for.

During the revolutionary government and under the Articles of Confederation, the Continental Congress had consisted of but one house. The states, however, in forming constitutions for themselves had, without exception, introduced the plan of two houses.

The House of Representatives. —

> "The House of Representatives shall be composed of members chosen every second year by the people of the several states."

Under the Confederation the members of Congress were chosen annually, and in such manner as the legislature of each state should authorize. The Constitution provides that representatives shall serve for two years, and that they shall be elected by "the people." Each state prescribes by law how the members of the state legislature shall be elected, and who shall have power to vote for such members. The Constitution prescribes that any one who can vote for a member of the House of Representatives in that state, can vote for a member of the National House of Representatives.

Qualifications. — Three qualifications, and only three, are required for a representative in Congress.

1. He must be at least twenty-five years of age.
2. He must have been seven years a citizen of the United States.
3. He must, when elected, be an inhabitant of that state in which he shall be chosen.

The Number of Representatives. — Every ten years after the census returns have been made, Congress provides by law for the number of representatives for the next ten years which each state shall be entitled to. It first determines how many members there shall be in the House, and it then apportions these members according to the population of the several states. The number of representatives for the different decades and the number of inhabitants for one representative during the last one hundred years have been as follows: —

Period.	No. of Members.	Ratio of Population.
1789–1793	65	——
1793–1803	105	33,000
1803–1813	141	33,000
1813–1823	181	35,000
1823–1833	212	40,000
1833–1843	240	47,700
1843–1853	223	70,680
1853–1863	234	93,500
1863–1873	241	127,941
1873–1883	292	130,533
1883–1893	325	151,911
1893–1903	356	173,902

Sometimes the actual number of representatives has been greater than the number here given on account of the admission of new states. By the above table, it will be observed that at the present time the required number of inhabitants for one representative is 173,902, but every small state is entitled to one representative even if its population is less than the above number.

Territorial Delegates. — Each organized territory is allowed by law of Congress to send one delegate to the House. He may participate in the discussions, but he is not allowed to vote.

In the fifty-first Congress (1890), Washington, Montana, Dakota, Idaho, and Wyoming having been admitted as states, and Oklahoma organized as a territory, there were four territorial delegates.

Officers. —

"The House of Representatives shall choose their Speaker and other officers."

The Speaker is the presiding officer of the House. The Speaker is chosen from the members of the House and can vote on every question like any other member. The other officers of the House are: —

1. Clerk.
2. Sergeant-at-arms.
3. Door-keeper.
4. Postmaster.
5. Chaplain.

At the organization of each new Congress, the clerk of the preceding House presides till a Speaker is chosen.

Impeachment. — The House of Representatives has the sole power to impeach civil officers of the United States. When an officer is impeached, the House brings impeachment, specifying the charges against him, before the Senate. The method of impeachment is as follows: the House appoints a committee to inquire into the conduct of the officer who has been charged with improper acts. If this committee reports in favor of impeachment, the House votes upon the question. If the majority vote that the officer shall be impeached, articles are prepared specifying the charges, and action is taken upon each article. Then a committee is appointed to conduct the prosecution before the Senate. It is noticeable that but few officers have ever been subject to impeachment. Indeed, in one hundred years but seven cases of impeachment have occurred. They are as follows: —

1. William Blount, Senator. 1799. Acquitted.
2. John Pickering, Judge. 1803. Convicted and removed from office.
3. Samuel Chase, Judge. 1804. Acquitted.
4. James H. Peck, Judge. 1830. Acquitted.
5. West H. Humphreys, Judge. 1862. Convicted

and disqualified from holding any office of honor, trust, or profit under the United States.

6. Andrew Johnson, President. 1868. Acquitted.
7. W. W. Belknap, Secretary of War. 1876. Acquitted.

Thus it will be seen that of these seven cases of impeachment there have been only two convictions, one of whom was simply removed from office, and the other was disqualified from holding office.

Section III. — The Senate.

The Senate consists of two members from each state. The peculiar composition of the Senate was occasioned by the natural jealousy which existed between the states. It has already been seen that the several colonies became states, preserving their original boundaries. During the entire time of the Continental Congress all votes were taken by states, each state having but one vote. When the convention was framing the Constitution, the jealousy between the small states and the larger was strongly apparent. The larger states very naturally felt that they should have a stronger voice in legislative matters than the smaller states. On the other hand, the smaller states were unwilling to yield the equal power which had hitherto been accorded to them.

A compromise was effected by which the House of Representatives should be constituted upon a basis of population, and in the Senate the equality of the states should be retained. The Constitution provides that, —

> "The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereto for six years; and each senator shall have one vote."

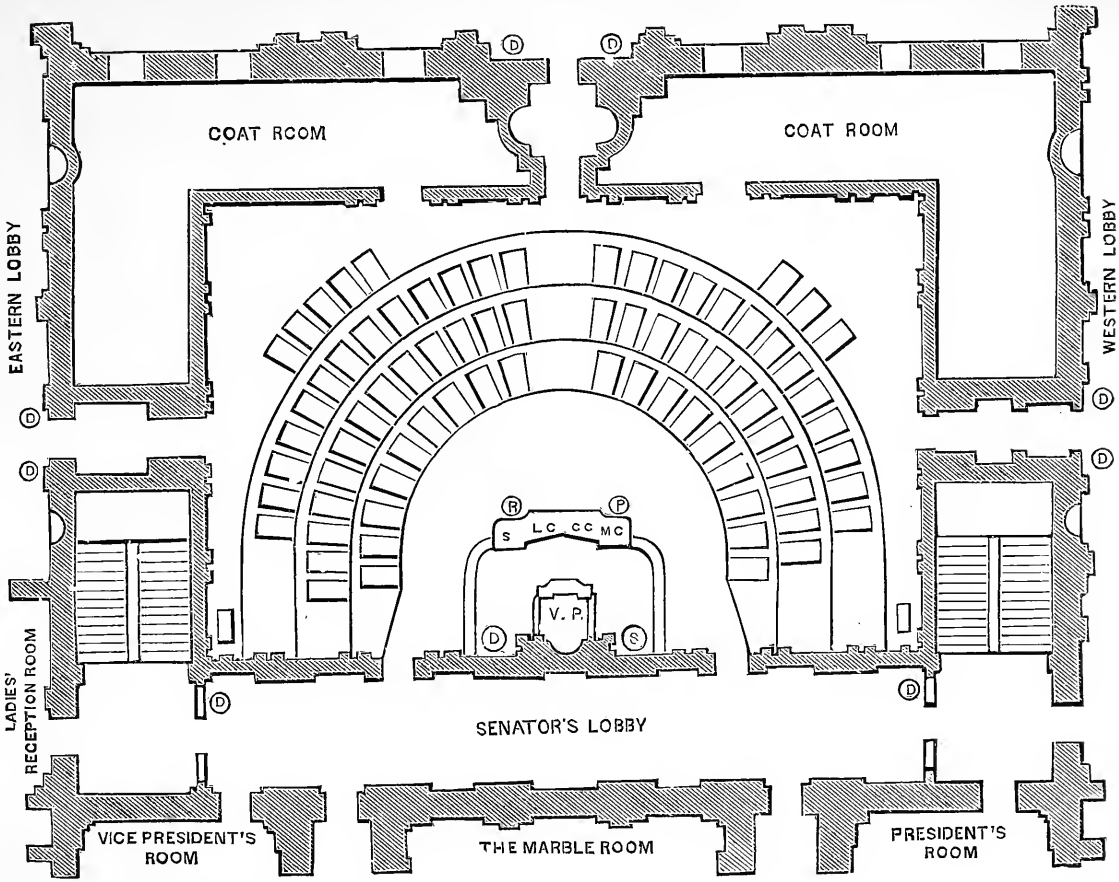
This clause contains four distinct provisions: —

1. There shall be two senators from each state.
2. They shall be chosen by the legislature of the state.
3. They shall be chosen for the term of six years
4. Each senator shall have one vote.

Senators: how chosen. — In regard to the mode in which the legislatures are to choose the senators, the Constitution is silent.

By an act of Congress passed July 25, 1866, it is provided that when the legislature of any state is to elect a senator in Congress, it shall proceed to the election of such senator on the second Tuesday after the organization of the legislature, and the election shall be conducted as follows: —

Each house shall, by a *viva voce* vote, name a person for senator, and the name of the person who receives a majority vote shall be entered in



THE SENATE CHAMBER, WASHINGTON.

the journal of the house. If the house fails to give such a majority to any person, that fact shall be entered on the journal. On the next day at twelve o'clock the members of the two houses shall convene in joint assembly, and the journal of each house shall be read, and if the same person has received a majority of all the votes in each house, he shall be declared fully elected senator. If no one has such a majority, the joint assembly shall choose, by a *viva voce* vote of each member present, a person for senator. The person having a majority of all the votes of the joint assembly shall be declared elected. If there is no election that day, the joint assembly shall meet at twelve o'clock on each succeeding day, and shall take at least one vote each day until a senator is elected.

The senators are divided into three classes, and, as they are chosen for six years, one-third of the whole number is chosen every second year. The representatives are chosen for two years, which is the length of time covered by one Congress. Whenever a new Congress convenes, one-third of the senators are either new members, or have been re-elected for a new term. It will be observed, that as one-third of the senators go out of office every two years, the Senate is a continuous body; while the members of the

House are all swept off at once, and a new election brings in a new House every second year.

Qualifications. — The qualifications of the senator are three: —

1. He must be at least thirty years of age.
2. He must have been nine years a citizen of the United States.
3. He must, when elected, be an inhabitant of the state in which he is chosen.

Presiding Officer. — It will be seen farther on, that the executive officer of the United States is the President. The Vice-President is chosen for the purpose of taking the place of the President when a vacancy in that office occurs; but unless some other duties were placed upon him, the Vice-President would have nothing to do so long as the President held his office; hence the convention determined to make him presiding officer of the Senate, which is done in the following clause: —

"The Vice-President of the United States shall be president of the Senate, but shall have no vote unless they be equally divided."

The speaker of the House is a member of the House; but as the equality of the states is preserved in the Senate, it would seem best to select the presiding officer from outside that body.

The Vice-President would be likely to be less partial as a presiding officer than a senator would be, since he is elected by the whole country and not by a single state.

Officers of the Senate. — The Senate shall choose their officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States. The officers of the Senate are: —

1. The Secretary.
2. Chief Clerk.
3. Executive Clerk.
4. Sergeant-at-arms.
5. Door-keeper.
6. Chaplain.

The Trial of Impeachments. — When the Senate is to try an impeachment, it sits as a court, and every senator must be on oath or affirmation.

"When the President of the United States is tried the chief-justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law."

Section IV. — Provisions relating to Both Houses of Congress.

Sessions of Congress. —

"The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

Although the new Congress comes into existence on the fourth of March in each odd year, yet the first regular session will begin on the first Monday of December following. This first session may hold through an entire year, but if the business be completed Congress may adjourn at any time during the year. The second regular session begins on the first Monday of December following, and must close by the fourth of the next March, at which time the new Congress comes into existence.

"Each house is the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business."

Each house also determines, —

"The rules of its proceedings, punishes its members for disorderly behavior and with the concurrence of two-thirds may expel a member."

Salary of Senators and Representatives. — The senators and representatives are paid out of the treasury of the United States. Congress has, from time to time, increased the compensation of its members from six dollars a day in the House, and seven dollars a day in the Senate, until, by a law passed in 1874, the compensation of each representative and each senator was fixed at five thousand dollars per annum. The pay of the Speaker of the House and of the Vice-President, or if there is none, the President of the Senate *pro tempore*, is eight thousand dollars per annum. In addition to his salary every member of either house is allowed mileage, in coming and going between his home and Congress, twenty cents per mile for every mile of travel by the usual route.

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

This clause is adopted from the custom of the British Parliament. There, revenue bills must originate in the House of Commons. There is very little necessity in our present circumstances for this restriction. Raising revenue is understood to be confined to levying taxes. It is the custom for the Senate to originate bills which

imply the raising of money, or which will require the raising of money, as for example, bills to establish post-offices, the mint, to regulate the sale of public land, etc.

Section V. — The Powers of Congress.

We come now to the consideration of the powers vested by the Constitution in the Congress. It should be remembered that when the Constitution was framed, the controversy was sharp and spirited between those who favored bestowing large powers upon the national government, and those who, fearing that evils would result from such a course, were strenuous in their belief that large powers should be retained by the governments and the people of the several states. In consequence of this controversy, the Constitution defines somewhat minutely special subjects upon which Congress shall have power to legislate. It does not, however, contain an exhaustive enumeration of the powers of Congress, and does not mean that Congress shall not legislate on any subjects not here enumerated. This is evident from the fact that power is given to Congress

> "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in

the government of the United States, or in any department, or officer thereof."

Elsewhere, the Constitution requires of Congress the exercise of powers not particularly mentioned; and in different places it implies that Congress must do certain things, which are not expressly provided for in the section specifying its particular powers.

The Constitution expressly enumerates the following powers: —

The Congress has power

"To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

This gives to Congress the power to levy taxes for three purposes: —

1. To pay the public debt.
2. To provide for the common defence.
3. To provide for the general welfare.

The general government may levy a tax in three ways: —

1. A direct tax upon persons, which may be either a poll tax or a property tax.

2. An indirect tax upon goods imported into the country from abroad.

3. An indirect tax upon goods manufactured and used here.

Previous to the civil war a direct tax had been laid but four times — in 1798, 1813, 1815, 1816. These taxes were levied upon lands, houses, and slaves. To pay the debt incurred in the civil war, direct taxes were again levied in 1861 and subsequently.

Duties on Imports. — This government, during most of its existence, has been committed to the policy of laying duties on goods manufactured abroad and imported into this country. These duties on imports are of two kinds: —

1. Specific duties. 2. *Ad valorem* duties.

A specific duty is a tax levied on goods by weight, measure, or bulk; as, for example, a duty of fifty cents a yard on broadcloth, one dollar a ton on iron, or twenty cents a gallon on molasses.

An *ad valorem* duty is levied according to the value or cost of the goods, as, ten per cent on iron, fifty per cent on the cost of brandy. These duties are collected under the direction of the treasury department.

Naturalization. — Another power committed to Congress is, "to establish a uniform rule of naturalization."

Naturalization is an act by which a foreigner, called an alien, becomes a citizen of the United States. Under the confederation, each state passed laws naturalizing aliens.

It is to be noticed that there has been a constant growth of national power. At first the several states were unwilling to give up their power to the federal government. Through the whole history of the nation, the dividing line between political parties has been upon this principle. One party has favored large state rights, and a minimum national power. The other party has advocated a strong national power. Here is an illustration: The laws upon the subject of naturalization, and the qualifications requisite in the different states were so various, that confusion and controversy resulted. To remedy these evils the Constitution gives Congress full power over the subject of naturalization, so that the laws shall be uniform throughout all the states. An alien coming to this country from a foreign land must make application for citizenship; this is called his "declaration of intention." This declaration must be made at least two years before he can receive his naturalization papers. In this declaration he must declare on oath or affirmation that it is his intention to become a citizen of the United States, and to renounce all allegiance

to the government of which he is at the time or has been a subject.

Before he can receive his naturalization papers he must have resided in this country at least five years. There is one exception to this law. By an act passed in 1862, a soldier of the age of twenty-one years and upward, regularly discharged from the army of the United States, may be admitted to citizenship without a previous declaration of intention and with a single year's residence. The children of a naturalized foreigner, who are under twenty-one years of age, residing in this country at the time the father received his naturalization papers, are considered citizens. The children of a citizen, who are born abroad, are citizens of the United States.

When foreign territory has been incorporated into the Union, by treaty or otherwise, Congress has exercised the power of granting naturalization without previous residence. When territory is annexed to this country, the President and Senate have naturalized the inhabitants of such territory *en masse*.

Bankruptcies. — The Congress also has power to make "uniform laws on the subject of bankruptcies throughout the United States."

In England, the term *bankrupt* is generally limited to traders who fail to pay their debts,

while the word *insolvent* was applied to those not paying their debts who were not engaged in trade. The general usage, however, in the United States, has been to make the words *bankrupt* and *insolvent* synonymous. In reality, a person is insolvent when he cannot pay his debts. He becomes a bankrupt by legal proceedings under a bankrupt law. Congress has exercised this power to pass uniform laws on bankruptcies at three different times. The first bankrupt law was passed in 1800, and repealed three years later. The second was passed in 1841, and repealed within two years. The third was in effect from 1867 to 1878. No national bankrupt laws are in force now. It is held that if Congress does not exercise its power to pass a bankrupt law, the several states can do so. The state laws are usually termed insolvent laws.

Coin Money. — The Congress has power, —

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

An Act of Congress passed in 1873 provided for the following coins: —

1. Gold: The dollar piece; the two-dollar-and-a-half piece, or quarter-eagle; the three-dollar piece; the five-dollar piece, or half-eagle; the ten-dollar piece, or eagle; and the twenty-dollar piece, or double-eagle.

2. Silver: The dollar, half-dollar, quarter-dollar, and dime.

3. The "minor coins" are the five-cent piece and three-cent piece and one-cent piece. Two-cent pieces are not now coined.

Weights and Measures. — This clause gives to Congress power "to fix the standard of weights and measures." It is proper that the standard of weights and measures should be connected with money. The price or value of any commodity is fixed in money terms; but this commodity is either weighed or measured, and, therefore, the power which coins the money should fix the standard of weights and measures. Our weights and our measures have come to us through the ancient usages of Great Britain. It appears strange that the world should not have earlier established a uniform system. That *twelve* inches should make a foot, and *three* feet a yard, and that *five and a half* of this denomination should make a rod, and that *forty* of this is called a furlong, and that *eight* furlongs are a mile, is not complimentary to the civilization of our ancestors.

We made a great gain when this government established our coins on the decimal system: ten cents make a dime, and ten dimes a dollar, and ten dollars an eagle. It will be a greater gain

when the metric system for all weights and measures shall have come into universal use. The metric system has been legalized by an act of Congress; but it is to be feared that the day is somewhat distant when it shall have come into general use in this country.

Various Powers. — Congress has power, —

"To provide for the punishment of counterfeiting the securities and current coin of the United States.

"To establish post-offices and post-roads."

Congress has power to grant copy rights to authors and patent rights to inventors.

"To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

"To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

"To make rules for the government and regulation of the land and naval forces."

"The Sweeping Clause." — The final clause, enumerating the powers conferred by the Constitution upon Congress, reads as follows: —

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers,

> and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

This clause is what Patrick Henry called "the sweeping clause," by which, as he thought, Congress was to overthrow the states. Great opposition to this clause was manifested by the state-rights party during the time in which the Constitution was under discussion by the people and by state conventions prior to its adoption.

Nothing is plainer than that the government has under this Constitution full national powers, and is limited only by the restrictions imposed by the Constitution itself. Judge Story says: "It would be almost impracticable, if it were not useless, to enumerate the various instances in which Congress, in the progress of the government, has made use of incidental and implied means to execute its powers. They are almost infinitely varied in their ramifications and details."

Chief-Justice Marshall says: "A power vested carries with it all those incidental powers which are necessary to its complete and efficient execution."

This principle has been acted upon by the general government from 1789 to the present day.

Section VI. — Restrictions upon the National Government.

The Constitution provides, that the slave trade could be prohibited by the Congress after the year 1808. At that time a law of Congress went into effect imposing heavy penalties upon persons engaged in the slave trade. In 1820 the slave trade was declared to be "piracy," to be punished with death.

Since the late civil war, our nation has happily been freed from the incubus of human slavery.

The Constitution expressly prohibits any *ex post facto* law and any bill of attainder.

It is also provided that direct taxes levied by the national government shall be in proportion to the population, and that no title of nobility shall be granted by the United States, and also that "No money shall be drawn from the treasury but in consequence of appropriations made by law."

Restrictions upon the States.

It may also be stated just here that the Constitution places the following restrictions upon the several states: —

1. No state shall enter into any treaty, alliance, or confederation.

2. Grant letters of marque and reprisal.

3. Coin money.

4. Emit bills of credit.

5. Make anything but gold and silver coin a tender in payment of debts.

6. Pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

7. Or grant any title of nobility.

NOTE. — *Who can Vote.* On page 77 it is stated, "Each state prescribes by law how the members of the state legislature shall be elected, and who shall have power to vote for such members."

Every state, either by its Constitution or its statutes, prescribes the limit of suffrage. In general, this limit has heretofore been what is called "manhood suffrage"; *i.e.* every male citizen, twenty-one years old, not a pauper or an idiot, could vote. Within a few years many states have extended the privilege of suffrage to women. The state of Wyoming gives the same political rights to women as to men. In Kansas women have municipal suffrage, and also, in unincorporated towns, the right to vote on the question of liquor licenses. In twenty-three states women have the right (more or less restricted in some states) to hold office in connection with the management of public schools. Twenty states have conferred upon woman power to vote for school officers. In fifteen of these states a woman can both vote upon school questions and hold office. These fifteen states are as follows: Colorado, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, South Dakota, Idaho, Montana, Vermont, Washington, Wisconsin, Wyoming.

The additional states giving women the right to vote upon school questions are the following: Indiana, Kansas, Kentucky, Nebraska, Oregon.

Those additional where women can hold office are the following: California, Connecticut, Illinois, Iowa, Louisiana, Maine, Pennsylvania, Rhode Island.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What are the purposes of the Constitution?
2. Describe the growth of the national element.
3. What advantages from having two houses of Congress?
4. How are the representatives to Congress chosen?
5. Qualifications.
6. Number of representatives.
7. Territorial delegates — how many? What for?
8. Officers of the House — what are they and how chosen?
9. Who is liable to impeachment, and how is impeachment brought about?
10. Senators — how chosen?
11. Qualifications of senators.
12. Presiding officer in Senate and other officers.
13. The trial of impeachments — how carried on?
14. What is meant by a "session" of Congress?
15. What is meant by a "Congress"?
16. Are the salaries of senators and members of Congress the same? Why should they be?
17. Tell us all about "national taxes."
18. Meaning of *ad valorem* and *specific*.
19. Describe the process for becoming naturalized.
20. Discriminate the meaning of the words "bankrupt" and "insolvent."
21. What was Patrick Henry's objection to the "sweeping clause"?
22. Name some restrictions upon Congress. Where are they found in the Constitution? Read in full the section.
23. Name the restrictions here placed upon the several states. What section and article in the Constitution is this?

BLACKBOARD OUTLINE.

THE EXECUTIVE DEPARTMENT.

The President. | The Vice-President.

How Elected.

PRESIDENTIAL ELECTORS.

How many.	Vote when.
How elected.	Votes counted when.
When elected.	President inaugurated when.

President's Qualifications.	Presidential Succession.
President's Duties.	Executive Departments.

CHAPTER II.

THE EXECUTIVE DEPARTMENT.

In the natural order of things, we have considered, first the legislative department of our national government. We now proceed to examine the second great department, the executive power. This is treated of under the second article of the Constitution which begins as follows: —

> "The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:"

By this clause we observe that, —

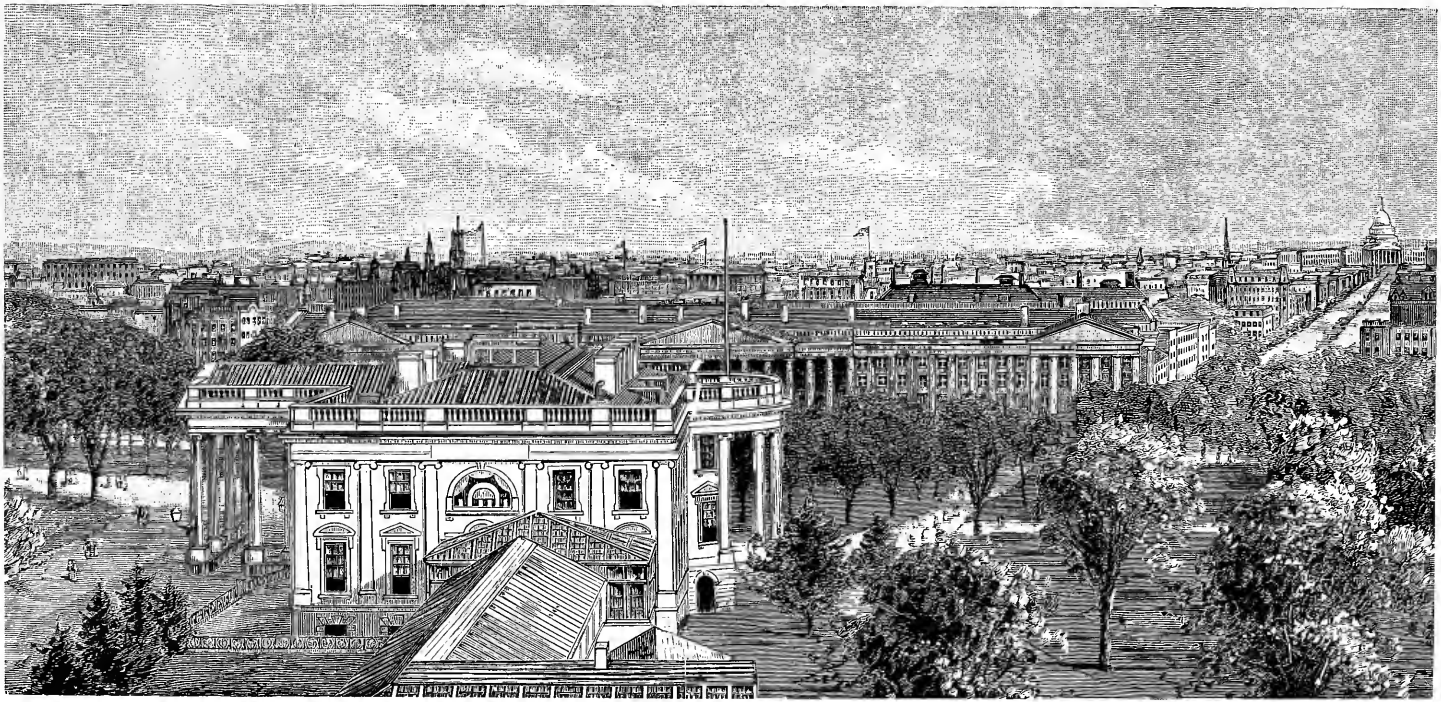
1. The executive power is vested in one person.
2. He is elected for the term of four years.
3. The Vice-President is elected for the same term.

The following is the list of the Presidents, with their terms of office: —

1. George Washington, two terms, 1789 to 1797.
2. John Adams, one term, 1797 to 1801.
3. Thomas Jefferson, two terms, 1801 to 1809.
4. James Madison, two terms, 1809 to 1817.

5. James Monroe, two terms, 1817 to 1825.
6. John Quincy Adams, one term, 1825 to 1829.
7. Andrew Jackson, two terms, 1829 to 1837.
8. Martin Van Buren, one term, 1837 to 1841.
9. William Henry Harrison, one month, 1841.
10. John Tyler, three years and eleven months, 1841 to 1845.
11. James K. Polk, one term, 1845 to 1849.
12. Zachary Taylor, one year and four months, 1849 to 1850.
13. Millard Fillmore, two years and eight months, 1850 to 1853.
14. Franklin Pierce, one term, 1853 to 1857.
15. James Buchanan, one term, 1857 to 1861.
16. Abraham Lincoln, four years and one month, 1861 to 1865.
17. Andrew Johnson, three years and eleven months, 1865 to 1869.
18. Ulysses S. Grant, two terms, 1869 to 1877.
19. Rutherford B. Hayes, one term, 1877 to 1881.
20. James A. Garfield, four months, 1881.
21. Chester A. Arthur, three years and eight months, 1881 to 1885.
22. Grover Cleveland, one term, from 1885 to 1889.
23. Benjamin Harrison, from 1889 to —

It will be seen by the above table that we have had twenty-two Presidents in one hundred years. Of these, seven have been elected for a second term. Four Vice-Presidents have succeeded to the presidency by the death of the President.



THE EXECUTIVE MANSION. THE TREASURY BUILDING. THE CAPITOL.

A VIEW IN WASHINGTON.

Presidential Electors. — The Constitution says that, —

> "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector."

The several points embodied in this clause are as follows: —

1. The President is appointed by electors, and not by the immediate vote of the people.
2. The number of electors in each state.
3. Any person holding a United States office is prohibited from being an elector.

It was thought by the framers of the Constitution, that, if the direct choice of the President was taken from the people, and placed in the hands of electors chosen by the people, who would unquestionably be selected from the ablest and most trustworthy men of the nation, a wiser choice of President would be insured than if the people of the whole country were to vote directly for this officer. It was evidently the thought of the framers of the Constitution, that, after the electors had been appointed, they should meet and discuss the question and then determine for

whom their votes should be cast. The result, however, has proved that the election of President is not left in the hands of the electors, but is, in reality, determined by the people when they elect the presidential electors.

According to the custom which now prevails, the electors are practically pledged beforehand to vote for a certain candidate, who has been previously nominated in a national convention of a political party. The electors therefore exercise no discretion in their vote.

Number of Electors. — The number of electors is determined by the Constitution.

1. In the first place, each state is entitled to two electors corresponding to the equality of the states in the Senate.

2. In addition to these two, the number of electors to which each state is entitled, is fixed in accordance with the population of the state. We have seen that Congress determines once in ten years the number of representatives to which each state is entitled in the Congress. Each state is then entitled to as many electors as it has representatives in Congress. The whole number of electors therefore for each state is equal to the whole number of representatives and senators which that state sends to the Congress.

Time of choosing Electors. — The day for choosing the electors was fixed by an act of Congress, passed in 1845, as the Tuesday next after the first Monday in November. All the states choose their electors on the same day. The legislature of each state directs the manner in which these electors shall be elected. There have been heretofore four different modes of electing the electors: —

1. By joint ballot of the state legislatures.
2. By a concurrent vote of the two branches of the legislature.
3. By the popular vote of the state on one joint ticket.
4. By the people voting in districts.

The method now adopted by all the states is that of the people of the whole state voting by general ticket. By this method the vote of no state is divided, but the entire state vote is counted for the electoral college as nominated by one party or another.

Electors Vote. — In accordance with an act passed by Congress, February 3d, 1887, the electors meet in their respective states on the second Monday in January, to give their votes for President and Vice-President.

The electors give separate votes for the President and Vice-President by ballot. They then make three certificates of all the votes given.

These certificates they must sign and seal, and certify on each certificate that there is contained within a list of the votes of the electors of such a state (naming it), for President and Vice-President. One of these certificates is delivered to the judge of the United States District Court for that district in which the electors are assembled. A second certificate is forwarded forthwith, by mail, to Washington, directed to the President of the Senate. The electors appoint a person as special messenger to take the third certificate, carry it to Washington and deliver it to the President of the Senate. This special messenger is paid a sum fixed by law, on the mileage principle. The three certificates of the election of these electors are transmitted with the certificates of their votes.

Votes Counted. — The votes for President and Vice-President are counted on the second Wednesday of February in the hall of the House of Representatives in presence of both houses of Congress, the President of the Senate presiding. On that day the Senate marches in a body from the senate chamber to the other wing of the Capitol, and enters the hall of the House, the members of the House standing to receive them. All being seated, the President of the Senate opens the certificates in the presence of the two

houses, and hands them to the tellers, previously appointed by the two houses respectively, who count the votes, state by state, in alphabetical order, beginning with the letter A, and each vote, together with the aggregate vote, is declared by the presiding officer. This method gives dignity and insures fairness in the proceeding.

Election by the House. — In case no person receives a majority of the votes cast by the electors for President, the choice of a President is referred to the House of Representatives. The House must immediately proceed to the election of President, and the members are restricted in their votes to the three highest candidates in the vote by the electors. In thus voting for the President, the vote must be taken by states, the representatives from each state having one vote. The vote cannot be taken except a quorum shall be present, and this quorum is determined by the Constitution to be one or more representatives present from two-thirds of the states. It is possible that the House might be so divided as to be unable to elect any one of these three highest candidates. The Constitution provides for this emergency. The House must continue voting until the fourth day of March, when the session and the Congress expires. In case they make no choice prior to that date, then the Constitution

provides, that "The Vice-President shall act as President, as in the case of death, or other constitutional disability of the President."

Vice-President elected by the Senate. — If there is no election of Vice-President by the electors, the Senate, immediately after the vote has been counted, — that is, on the second Wednesday in February, — proceeds to choose a Vice-President. There must be a quorum present for this purpose; and the Constitution fixes that quorum as two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. The senators must choose the Vice-President from the two highest numbers on the list voted for by the electors.

As the Vice-President may become President, the Constitution wisely provides that, —

"No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

Qualifications. — The qualifications for President are as follows: —

1. He must be a native-born citizen.
2. He must have attained to the age of thirty-five years.
3. He must have been for fourteen years a resident within the United States.

No other qualifications than these three are fixed by the Constitution. The qualifications for the Vice-President are the same as for the President.

Observe the qualifications requisite for representatives to Congress, for senators, and for the President and Vice-President.

1. A representative must be twenty-five years of age; a senator, thirty; and a President or Vice-President, thirty-five.

2. A representative must have been a citizen of the United States seven years; a senator, nine years; and a President or Vice-President must be native born.

3. A representative must be an inhabitant of the state for which he is chosen; a senator the same; and a President must have resided within the United States fourteen years.

The Vice-President. — So long as the President performs the duties of his office, the Vice-President has no connection with the executive department, but is merely President of the Senate. In the case of the removal, resignation, or inability of the President, the Vice-President becomes President for the remainder of the presidential term.

The Vice-President has filled the presidential chair in four instances: —

1. After the death of President Harrison, Vice-President John Tyler filled the office of President from 1841 to 1845.

2. On the death of President Taylor, Millard Fillmore was President from 1850 to 1853.

3. Andrew Johnson, after the death of Abraham Lincoln, was President from 1865 to 1869.

4. Chester A. Arthur succeeded to the presidency on the death of President Garfield, and held that office from 1881 to 1885.

No Vice-President who had become President has died during his term of office. Congress has, however, by a law passed January, 1886, provided that in case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, if there be one, shall become President, and hold the office during the remainder of the presidential term of four years; and in case there is no Secretary of State, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, and next in order the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior.

If either of the foregoing officers does not have the three qualifications requisite for a President, he is not eligible to fill the vacancy, and the next officer in order who is eligible would become President for the remainder of the the term.

Salary. — The salary of the President was originally fixed at twenty-five thousand dollars a year. Since 1873 it has been fifty thousand dollars a year. The salary of the Vice-President is eight thousand dollars a year.

The Powers of the President. —

1. "The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states when called into actual service of the United States."

2. "He shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

3. He makes treaties with foreign nations with the advice and consent of the Senate.

4. He appoints "ambassadors, foreign ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein provided for, and which shall be established by law."

5. He has power to make temporary appointments of officers of the United States when vacancies happen during the recess of the Senate.

Impeachment. — "The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

Executive Departments. — The executive business of the government is divided among eight executive departments as follows: —

1. The Department of State.
2. The Department of the Treasury.
3. The Department of War.
4. The Department of the Navy.
5. The Department of the Post-Office.
6. The Department of the Interior.
7. The Department of Justice.
8. The Department of Agriculture.

The Constitution places the full executive power in the hands of one man, the President. It makes no provision for the Cabinet; but it gives the President authority to "require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices." This implies that executive departments will be established so that the various and multiform duties pertaining to the executive work of the national government may be efficiently and systematically performed. The eight departments just mentioned have been established by Congress, and several of them have been subdivided into bureaus. The heads of all these departments are appointed by the President, by and with the advice and consent of the Senate.

The salaries of these officers are eight thousand dollars each per annum.

The Department of State. — Originally this was styled the Department of Foreign Affairs. The Secretary of State is generally considered the highest officer in rank of the executive departments under the President. It is his duty to keep the seal of the United States, and to affix it to all commissions granted by the President. He issues all proclamations in the name of the President, and furnishes copies of papers and records of his office when required.

He keeps the correspondence with foreign powers and preserves the original of all laws, public documents and treaties with foreign nations. It is his duty to conduct the correspondence with our ministers and consuls to other countries, with foreign ministers accredited to our government, and in general he has charge of matters pertaining to our foreign relations. He issues passports to our citizens visiting foreign countries, and warrants for the extradition of criminals to be delivered up to foreign governments.

The Department of State has a diplomatic bureau, a consular bureau and a domestic bureau.

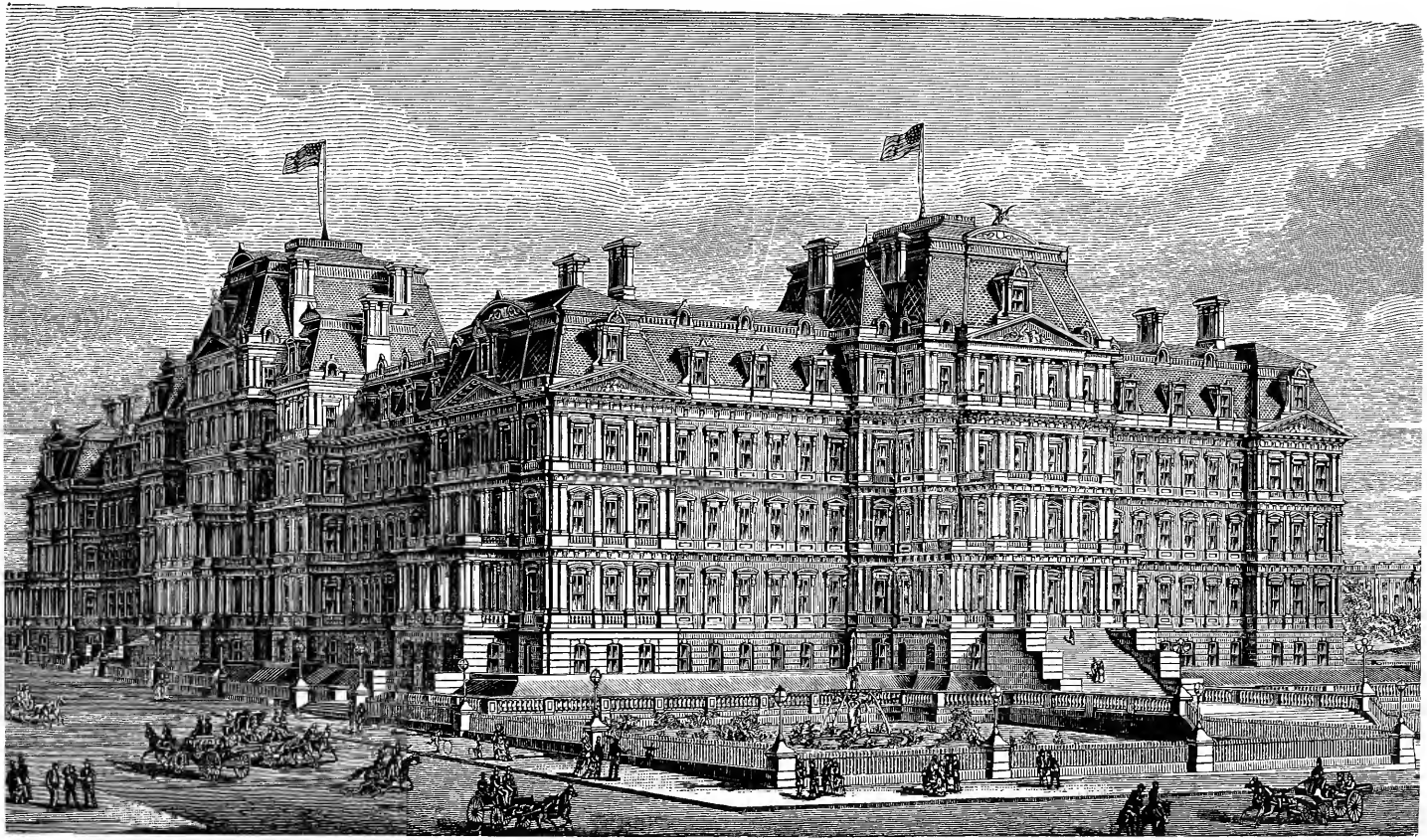
Public Ministers and Consuls. — All persons who are sent abroad to represent our government are connected with the Department of State.

The different ranks of our ministers are as follows: —

1. Ambassadors.
2. Envoys Extraordinary and Ministers Plenipotentiary.
3. Ministers Resident.
4. *Chargés d'Affaires.*
5. Secretaries of Legation.

The Ambassador and the Envoy Extraordinary, and Ministers Plenipotentiary have the same pay and appear to be of the same rank. Strictly speaking, we never send ambassadors to foreign governments. The salaries of our foreign ministers range from ten thousand dollars to seventeen thousand five hundred dollars a year.

Chargés d'Affaires receive five thousand dollars each. The Secretary of Legation is the clerk to the Foreign Embassy. Consuls are not diplomatic agents of our government, but are commercial agents residing abroad, whose duty it is to watch over the interests of our commerce and of our citizens, in the ports of the different countries. They are charged also with protecting the rights of our seamen. The salaries of Consuls-General and commercial agents range from one thousand dollars to six thousand dollars per annum. Many consuls are paid principally by fees.



THE NEW STATE, WAR, AND NAVY BUILDING.

The Treasury Department. — Of late years the importance of this department has gradually increased. During the Civil War the government issued bank bills, termed "greenbacks," and established a system of national banks, which have increased materially the number of officers and employees in this department. Under the Secretary of the Treasury are the following officers: —

1. The Comptroller.
2. Auditor.
3. Treasurer.
4. Register.
5. Assistant Secretary.

This department has charge of the revenue, superintends its collection, grants warrants for money to be issued from the treasury, in pursuance of appropriations made by law, and generally performs all needful services relative to the finances of our country. In the Treasury Department are the following bureaus: —

1. The Bureau of the First Comptroller.
2. The Bureau of the Second Comptroller.
3. The Bureau of the First Auditor.
4. The Bureau of the Second Auditor.
5. The Bureau of the Third Auditor.
6. The Bureau of the Fourth Auditor.
7. The Bureau of the Fifth Auditor.
8. The Bureau of the Sixth Auditor.

9. Treasurer.
10. Register.
11. Commissioner of Customs.
12. Comptroller of Currency.
13. Commissioner of Internal Revenue.
14. Bureau of Statistics.
15. The Mint.
16. Bureau of Engraving and Printing.

Coast Survey. — The office of the Coast Survey is connected with the Treasury Department. This office prepares charts from actual surveys of the seacoast of the United States. The surveys of the Great Lakes are under the control of the War Department.

Light-Houses. — The light-houses of the United States were formerly under the control of the Treasury Department, but for nearly forty years past have been committed "to the Light-House Board of the United States." This board consists of three officers of the army, three of the navy, and two civilians noted for their scientific attainments, with the Secretary of the Treasury president of the board *ex officio*. This board has in charge between one thousand and two thousand light-houses, besides light-vessels, beacons and buoys innumerable.

Under this department also is the Supervising Architect, who has general charge of the plans and construction of all United States buildings,

such as custom-houses, court-houses, post-offices, etc.

The War Department. — This department has various subdivisions as follows: —

1. The Office of Adjutant-General.
2. The Office of the Quartermaster-General.
3. The Office of the Commissary-General.
4. The Office of the Paymaster-General.
5. The Office of the Chief of Engineers.
6. The Ordnance Office.
7. The Signal Office.
8. The Bureau of Military Justice.

The Bureau of Military Justice is in charge of an officer with the rank of a Brigadier-General, called a Judge-Advocate-General. Under this department is the United States Military Academy at West Point. This school was established for the education of officers for the army.

West Point. — The students are termed cadets, and number between three and four hundred. They are appointed as follows: One from each congressional district, one from each of the organized territories, one from the District of Columbia, and ten from the United States at large. These are all appointed by the President, but each member of the national House of Representatives nominates the candidate for his district. The President appoints the ten candidates

at large. Candidates for appointment must not be less than seventeen nor more than twenty-two years of age, and they are expected to serve in the army eight years, unless sooner discharged.

The examination for admission to West Point is careful and accurate upon the elements of a good education. In arithmetic, geography, English grammar, reading, writing, spelling, and the history of the United States, thoroughness and accuracy are required.

It has become customary of late for congressmen to hold competitive examinations, and to nominate for vacant positions at West Point those who have passed the best examinations in respect to mental qualifications and scholarship, with good physical health, strength, and development.

The superintendent and principal members of the faculty are regular officers in the army.

Each cadet receives an allowance during his term of study sufficient to pay his necessary expenses for clothing, board, etc. The entire expense of the academy is met by the United States government. Congress makes annually for this purpose an appropriation of three hundred thousand dollars or more.

The Department of the Navy. — This department is divided into eight bureaus, as follows: —

1. The Bureau of Yards and Docks.
2. The Bureau of Equipment and Recruiting.
3. The Bureau of Navigation.
4. The Bureau of Ordnance.
5. The Bureau of Medicine and Surgery.
6. The Bureau of Provisions and Clothing.
7. The Bureau of Steam Engineering.
8. The Bureau of Construction and Repairs.

Naval Academy. — Under the charge of this department is maintained, at Annapolis, Md., a naval academy similar to the military academy at West Point. To enter this academy as cadet-midshipman, the student must not be less than fourteen, nor more than eighteen, years of age. The same number is allowed as at West Point, and by the same method of appointment. The course of study embraces six years, and the student on graduating becomes midshipman, subject to promotion as vacancies occur. This academy requires an annual appropriation from the government of two hundred thousand dollars or more.

The Department of the Post-Office. — Probably this is the oldest department under our government. Prior to the Revolution the British government had established a system of mails through these colonies, and Dr. Benjamin Franklin was the superintendent of this system. In July, 1775, only a month later than the battle of

Bunker Hill, Doctor Franklin received from the Second Continental Congress the appointment of Postmaster-General of the United Colonies.

In September, 1789, the first Congress under the Constitution made provision for the establishment of the post-office system, and appointed a Postmaster-General. As a matter of fact, the Federal government never passed an act establishing the Post-Office Department. It was assumed to be in existence, and various acts were passed for regulating its management. There are three assistant postmasters-general: The first assistant is in charge of the Appointment Office, the second of the Contract Office, the third of the Finance Office. There is also a Superintendent of Foreign Mails.

The chief officer of the Money-Order Bureau is styled the Superintendent of the Money-Order System.

It will readily appear that great care, promptness, and accuracy is needed in assorting mail-matter and preparing it for delivery. Especially is this true of the principal lines of railroads leading to large cities; for example, between New Haven and New York, or between Philadelphia and New York; and a large number of mail-agents are required in the mail-cars, whose business it is to assort the mail-matter, and deposit it

in proper pouches, carefully marked, so that on arrival at New York the matter can at once be placed in the proper boxes in the post-office and delivered with the least possible loss of time.

Distributing Offices. — Formerly, in all large cities, there was a distributing post-office. Into this department the mail-pouches had to be brought from all directions, which contained matter to be forwarded to distant points. All this matter had to be overhauled, arranged, and put into the proper pouches for further transportation; for example, at New York, mail-matter from New England, designed for the South and West, would be all poured out upon large tables, assorted, divided, and thrown into proper pockets for carrying to Philadelphia, Harrisburg, Baltimore, Washington, etc.; while at the same time, and at the same distributing office, would be received the mails from the South and West, to be overhauled in like manner, and forwarded to the East.

Much time was consumed by this frequent change and examination of mail-matter. Time has now become so important a factor in the transaction of business that every facility must be employed for the rapidity of transmission. Hence most of the distributing offices have been abolished, and mail-pouches are now made up in Boston, New York, Philadelphia, and all large

cities, to be forwarded through to the most distant points, like San Francisco, Portland, Montreal, and Quebec.

Cheap Postage. — Formerly, but within the recollection of persons now living, it cost five cents to transmit an ordinary letter to any post-office within thirty miles, ten cents for a longer distance, and from that up to twenty-five cents across the continent.

All postage was then paid by the receiver at the end of the route. Fifty years ago there was no prepayment of postage, and more than forty years ago a law was passed by Congress establishing the postage of a single letter at three cents for any distance within our country, provided the sender should pay the postage; if not prepaid, the postage should be five cents.

In this way people became accustomed to prepaying postage, so that after a few years another act was passed by Congress, requiring prepayment of postage on all letters, establishing the rate at three cents for an ordinary letter without regard to distance. At the present time the postage on letters not exceeding an ounce in weight is two cents to any part of our country, and including the British Provinces of North America.

Some years ago a postal league was entered

into by the principal civilized nations of the earth, establishing the uniform rate of five cents as the postage for all letters, of proper weight, from any one of the countries within the postal league to any other.

The experiment of cheap postage, which was first introduced into Great Britain, a generation or more ago, has proved entirely successful. In that country the contest for this improvement was severe and protracted. Rowland Hill and others devoted themselves with great energy to the philanthropic enterprise of bringing about this much-needed reform.

When the reduction of rates had proved successful in the mother country, it was quickly introduced by our government, and from time to time, as the rate of postage has been diminished, it has been found that the receipts of the Post-Office Department have increased. At the present time the Post-Office Department more than pays for itself, excepting in the more sparsely populated districts of some sections of our country.

The Department of the Interior. — This department was established in 1849. Under it are: —

1. The Patent Office.
2. The Pension Office.
3. The Land Office.

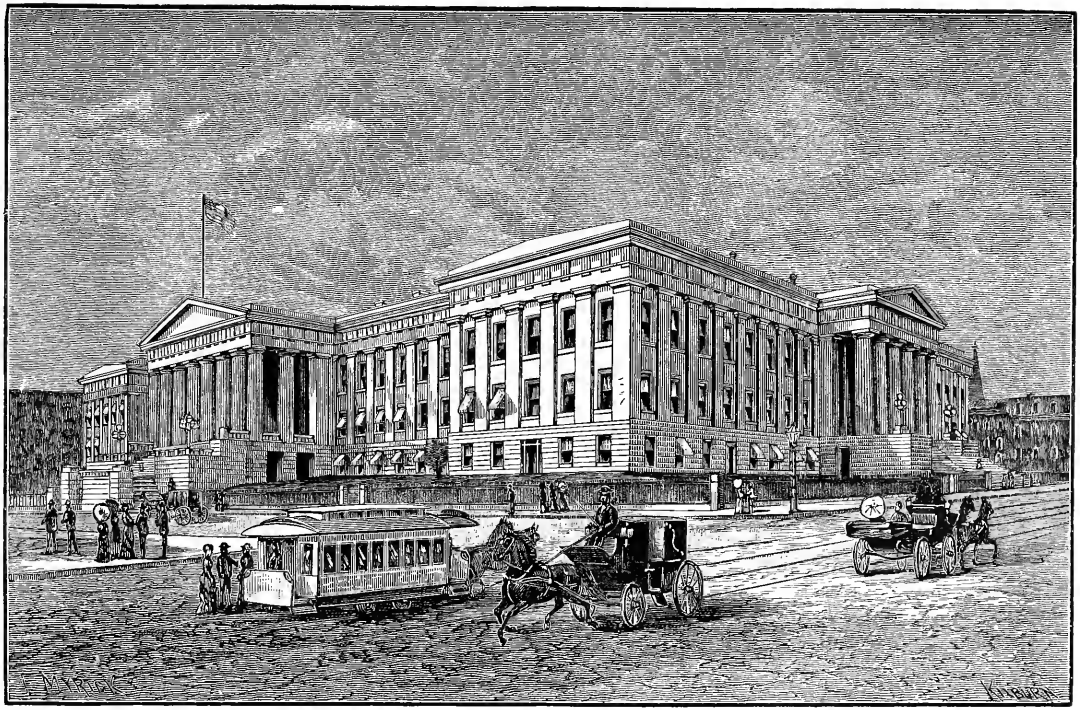
4. The Science Bureau.
5. The Bureau of Indian Affairs.
6. The Bureau of Education.

The business of the Patent Office is conducted under the direction and control of the Commissioner of Patents, who receives applications and superintends the granting and issuing of patents in accordance with the various acts of Congress passed at different times on this subject. The business of the office is to grant letters-patent to

> "inventors or discoverers of any new or useful art, machine, manufacture or composition of matter, or any new and useful improvement on such, which had previously been unknown, and which had not been used by others, and which had not been on sale or in public use for more than two years prior to the application for a patent."

The Patent Office employs many clerks called examiners, who investigate the claims of every invention for which a patent is solicited. The patent itself is the official document issued in the name of the United States, and is granted for the period of seventeen years. Its actual cost is thirty dollars.

Each article offered for sale by the patentee must have stamped upon it the word "patent" with the date when the patent was issued.



THE PATENT-OFFICE BUILDING.

The Pension Office.— Since the Civil War, this office has grown to gigantic proportions. It has in charge the entire matter of granting pensions and keeping the accounts thereof in accordance with the laws passed by Congress at different times upon this subject. The Pension Office in Washington is an immense building, filled with clerks who are constantly employed in keeping the records and attending to the accounts of pensions and pensioners. The business of this office has grown from year to year, and the amount of money disbursed by it has increased, until, at the present time, the aggregate amount of pensions paid is in the neighborhood of one hundred million dollars a year.

The Land Office. — The chief officer of this bureau is styled the Commissioner of the General Land Office. Under the commissioner are the following officers: —

1. Surveyors-General.
2. Registers of Land Offices.
3. Receivers of Land Offices.

Many years ago the United States adopted a system of survey for the public lands. This system provides that the immense tracts of western lands belonging to the United States government should be divided into ranges, townships, sec-

tions, and fractions of sections. The ranges are bounded by meridian lines six miles apart, and are numbered from a standard or principal meridian east and west. These ranges are divided into townships of six miles square, and numbered from a given parallel north and south.

The townships are divided into thirty-six sections, each one mile square, and hence embracing six hundred and forty acres. These sections are divided, as may be needed, into halves, quarters, eighths, and in some cases sixteenths. The sections in a township are numbered as indicated in the following diagram: —

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

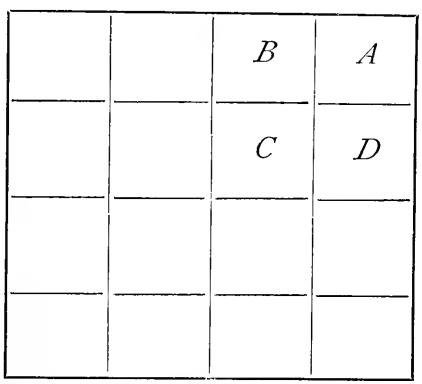
This system of marking the division of lands makes the description of any individual tract very simple.

If one should purchase a section, the deed would specify the number of the section, — in such a township and such a range; or if a quarter-section were purchased, the description might be as follows: —

The northeast quarter of section twenty-four, township seventeen north, range nine east of third principal meridian. The government sells this land and issues a patent, which is signed by a secretary appointed by the President, and also signed by a proper recorder of the land office.

The quarter-section is one hundred and sixty acres. These quarter-sections are divided into lots of forty acres each. If one lot was sold, it would be indicated as follows: —

The northwest quarter of northeast quarter of section seventeen.



SECTION 17.

In the above diagram the description just given applies to lot B.

The Bureau of Indian Affairs. — This bureau, established in 1832, is in charge of a Commissioner of Indian Affairs, and has the management of all matters arising out of the relation of the government to the Indians. It cares for, pays to, or expends for, their benefit, all moneys due on account of lands ceded by Indians to the national government; looks after their interests in lands reserved; has begun the work of allotting and patenting a certain portion to each member of the tribe individually; preserves order upon Indian reservations through Indian police and Indian courts; employs agents, farmers, and mechanics to live among the Indians and teach them the occupations and customs of civilized life; assists the Indians in building houses, opening farms, and getting a start in civilization; and educates their children.

Indian Schools.—On Indian reservations are many day schools; but as a rule, Indian children are educated in industrial boarding schools. Most of these are on reservations; but the government supports also large schools off reservations among white communities, where the pupils have special opportunities for acquiring civilized habits and customs. In addition to these schools, which are wholly sustained by the government, the Indian Office makes contracts for the educa-

tion of Indian youth in various private or denominational schools. The work of the Indian Bureau, and especially of the Indian schools, is growing in importance and in public interest. Many think that all tribal relations should cease, and that the Indians should be treated as individuals, the same as all other races are treated.

The Bureau of Education. — This bureau was established by Congress nearly twenty-five years ago for the purpose of collecting statistics relating to educational matters in the different states and territories of the Union, and of promoting the progress of education throughout the nation. It is especially designed as a central medium of communication on educational subjects between the various states of the Union and between this country and foreign nations. It is placed in charge of an officer styled the United States Commissioner of Education. This bureau has proved itself of great educational value to the country.

The Department of Justice. — The office of Attorney-General was created by the first Congress in 1789, but the Department of Justice was not established until 1870. This officer, however, has always been recognized as a member of the Cabinet. Under the Attorney-General are: —

1. The Solicitor-General.
2. An Assistant Attorney-General.
3. An Assistant Attorney-General for the Court of Claims.
4. An Assistant Attorney-General in the Department of the Interior.
5. An Assistant Attorney-General in the Post-Office Department.
6. A Solicitor of Internal Revenue.
7. Naval Solicitor.
8. Examiner of Claims.
9. Solicitor of the Treasury.
10. An Assistant Solicitor.

All of these officers are appointed by the President and Senate. Besides these officers, in this department are employed many persons as clerks, copyists, etc.

Money and Banking. — We have already considered the coins of our country. Our money system is bi-metallic, both gold and silver coins being legal tender. The gold and silver coins are the ordinary and legitimate legal tender in payment of debts. This is customary among the nations generally.

The rapid growth of our country, with the corresponding increase of business and population, has made it impossible for us to secure a sufficient amount of coin to carry on the necessary business of the country. Moreover, bank bills are far

more convenient than either gold or silver for large business transactions.

Banks were early established under charters from the various states. This is not prohibited by the Constitution. Prior to the Civil War, the bank notes issued by the various state banks in all parts of the country amounted to a very large sum, and were an important aid in carrying forward the immense business of the country.

The exigencies of the times during the Civil War, especially the need for very large sums of money by the government to carry on the war, gave occasion for new legislation by the national government upon this subject.

In 1864 a bill was passed by Congress, providing for a bureau of currency in the Treasury Department under the direction of an officer called the Comptroller. This bill provides that national banks may be formed by voluntary associations, with power to issue bills, receive deposits, loan money, and perform the ordinary functions of banks.

A year or two later Congress passed another act, levying a tax of ten per cent upon all notes issued by state banks used for circulation after August 1, 1866. Practically, this, of course, excluded the bills of the state banks from circulation, so that nearly all of those banks throughout the

country either closed their business, or transferred it to national banks, which were formed to take the place of the old state banks.

Treasury Notes. — During the war the government issued a paper currency, usually denominated treasury notes, or, as they were called in common language, "greenbacks," from the circumstance that the engraved back of the note was printed in green ink. The government made these greenbacks legal tender in payment of debts, and paid them out from time to time for army supplies, soldiers' pay, and other current expenses.

Large amounts of these greenbacks continued to circulate throughout the country with a somewhat uncertain and fluctuating value until 1879, when the government began to redeem them in gold at par. Since then their circulation has been continued on a par value with gold and the national bank notes. The government, however, has redeemed and retired them to such an extent that the amount in circulation is now very small. It will thus be seen that the Treasury Department of government acts in some sense as a bank of issue. It does not loan the money as other banks do, but pays out its bills for current expenses.

The Constitution provides that the national

government shall absolutely control the coinage of money. It prohibits the states severally from making anything but gold and silver coin a legal tender in payment of debts, and now, by bringing into operation this system of national banks, which has proved so eminently successful, our federal government, as it would appear, has established the principle that all forms of money and currency should be under its control.

The Department of Agriculture. — This department was formerly a bureau under the Department of the Interior. By a recent Act of Congress, on account of its growing importance and the rapidly increasing value of its work, it has been made into a distinct department, under the direction of a chief officer styled the Secretary of Agriculture, who is a member of the President's Cabinet.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Qualifications for President and Vice-President.
2. When are presidential electors elected?
3. Who can vote for presidential electors?
4. When do the presidential electors cast their votes?
5. When, where, and how are their votes counted?
6. When does the President take his seat, and what is the length of his term of office?
7. Describe the new law for the presidential succession.
8. Enumerate the powers and duties of the President.
9. What is the President's salary?
10. How are treaties made with foreign nations?
11. How do the qualifications for representative, senator, and President differ?
12. If there is no choice for the President by the vote of the electors, how is the President to be chosen?
13. If the electors make no choice for Vice-President, how is the Vice-President to be chosen?
14. How can a President be removed?
15. What officers constitute the President's Cabinet?
16. Write out in order the executive departments, and give the official title for the chief officer in these several departments.
17. Name the principal duties of the Secretary of State.
18. Give some account of our ministers to foreign governments.
19. Give a brief account of the Military Academy at West Point.
20. Of the Naval Academy at Annapolis.

21. Write an account of the national system of surveying and plotting public land.

22. Give some account of the Post-Office Department.

23. Of money and banking.

24. How is mail matter transported and distributed?

25. Give some account of the bureau of Indian affairs.

26. The Bureau of Education.

27. The Pension Office.

BLACKBOARD OUTLINE.

THE JUDICIAL DEPARTMENT.

1. The Supreme Court. | 2. The Circuit Court.
3. The District Court.

SPECIAL COURTS.

1. Court of Claims.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

CHAPTER III.

THE JUDICIAL DEPARTMENT.

THE Constitution provides that there shall be "one Supreme Court and such inferior courts as Congress may from time to time ordain and establish." In accordance therewith, Congress has established the following system of United States courts: —

1. The Supreme Court.
2. The Circuit Court.
3. The District Court.[1]

Besides these there are: —

1. Court of Claims, established in 1855.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

The Supreme Court at the present time consists of a Chief Justice and eight associate justices. These nine justices correspond to the number of circuits, and one of them is assigned to each circuit. There are nine Circuit Courts, with nine judges of these courts. Appeals may be taken from the Circuit Court to the Supreme Court. The Circuit Courts are presided over by a

[1] In 1891 Congress established a new court, called the *Circuit Court of Appeals*, with circuits and judges corresponding to the Circuit Court.

Circuit Judge, a District Judge, a Justice of the Supreme Court, or any two of them. These Circuit Courts are again divided into districts, every state having at least one District Court. Some of the larger states are divided into two or more districts.

The salaries of the district judges vary from thirty-five hundred dollars to five thousand dollars. The judges of the Circuit Courts receive a salary of six thousand dollars. The associate justices of the Supreme Courts have a salary of ten thousand dollars; and the Chief Justice of this court receives ten thousand five hundred dollars.

Only certain kinds of cases can be brought before the United States courts. These courts have jurisdiction in the following cases: —

1. All cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.
2. All cases affecting ambassadors, other public ministers, and consuls.
3. All cases of admiralty and maritime jurisdiction.
4. Controversies to which the United States shall be a party.
5. Controversies between two or more states.
6. Controversies between a state and the citizens of another state.
7. Controversies between citizens of different states.
8. Controversies between citizens of the same state, claiming lands under grants of different states.

9. Controversies between a state or the citizens thereof and foreign states, citizens, or subjects.

The judicial power of the United States is here extended to controversies between a state and citizens of another state. This clause gave much discussion at the time the Constitution was adopted, and the states were unwilling to be subjected to lawsuits brought in the federal courts by citizens of other states. Accordingly, an amendment to the Constitution was proposed, and on the 8th of January, 1798, the President announced to the Congress that the amendment had been adopted by three-fourths of the states, and was, therefore, a part of the Constitution. This constitutes the eleventh of the amendments, and is as follows: —

> "The judicial power of the United States shall not be construed to extend to any suit in law, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state."

Such cases must be brought before the state courts.

The Constitution provided that whether in the United States courts or in the courts of any state

> "The trial of any crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the state where the said crimes shall have

been committed; but when not committed within any state the trial shall be at such place or places as Congress may by law have directed."

A jury consists of twelve men, selected according to law, to determine matters of fact in a legal trial. The right of trial by a jury of one's peers was a right highly esteemed by the people of Great Britain, which they a long time ago compelled their king to yield to them. This right is here made a part of the Constitution of our country, and although not yielding all the good fruit which might be desired, yet is considered as one of the guaranties of a fair trial to any one accused of crime.

This clause provides that all trials for crime shall be held in the state where such crime has been committed.

Treason. —

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

This clause defines treason as consisting of only two things: —

1. In levying war against the United States.

2. In adhering to their enemies, giving them aid and comfort, and it provides that,

"No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

"The Congress shall have the power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

The terms here used refer to an English custom. The old English law provided certain consequences as to the mode of execution of one who had been convicted of treason. He was to be put to death in a cruel manner, and his conviction involved what was called attainder, and this worked corruption of blood, or forfeiture.

There was no judgment of attainder, but the attainder was incident to the conviction as a matter of course. This attainder, as a natural consequence, was supposed to include corruption of blood, or forfeiture. His property of every kind was forfeited. His children could not inherit property from his ancestors through him. What was termed "corruption of blood" destroyed the power to inherit property.

Our Constitution prescribes that the offender himself shall bear the punishment. It shall not descend to his children. There may be forfeiture,

but this is rather in the nature of a fine, made at his conviction. This clause does not mean that the forfeiture shall extend only during the life of the person. The forfeiture or fine once made, of course the property or fine goes to the government permanently and not temporarily.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Describe the organization of the Supreme Court of the United States.

2. What is the salary of the justices ?

3. Describe the United States Circuit Courts.

4. Who may preside in a Circuit Court?

5. Describe the District Courts.

6. Name the salary of a judge of the Circuit Court.

7. What are the limits of the salary of the district judges?

8. What cases may be brought before the United States District Courts?

9. Circuit Courts?

10. The Supreme Court?

11. What courts try ordinary cases of crime, and suits between citizens of any one state?

12. Should a crime be committed in a post-office building, or a custom-house building owned by the United States, in what court would the case be tried?

13. Discuss the question of "trial by jury."

BLACKBOARD OUTLINE.

MISCELLANEOUS PROVISIONS.

"Full Faith and Credit."	"Records."
"Public Acts."	"Judicial Proceedings."

New States.	Republican Government.
Territories.	Amendments.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

THE Constitution provides that: —

> "Full faith and credit shall be given to the public acts, records, and judicial proceedings of every other state, and the Congress may, by general laws, prescribe the manner in which said acts, records, and proceedings shall be proved, and the effect thereof."

1. "Full faith and credit." By these words are meant that the other state shall give the same credit, which the state itself gives to the acts, etc., when these have been proven.

2. "Public acts." By these are meant the laws of the state, or the action of the legislature.

3. "Records." These refer to general matters of legal record, such as laws, real estate records, legislative journals, etc.

4. "Judicial proceedings." The reference here is to the acts of the courts, judgments, orders, proceedings. In obedience to the last part of the clause, Congress, at an early date, passed an act specifying that the acts of the legislature of a state shall be authenticated by its seal. The same act also specifies the form of proof neces-

sary for the records of a court, and the attestation of the clerk together with the certificate of the judge. Such records and proceedings must receive full faith and credit in the courts of other states.

New States.—

"New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, or any state be formed by the junction of two or more states, without the consent of the legislatures of the states concerned, as well as of the Congress."

The first added state was Vermont, which was admitted into the Union by an act of Congress in 1791.

In 1792, Kentucky was admitted.
In 1796, Tennessee was admitted.
In 1803, Ohio was admitted.
In 1812, Louisiana was admitted.
In 1816, Indiana was admitted.
In 1817, Mississippi was admitted.
In 1818, Illinois was admitted.
In 1819, Alabama was admitted.
In 1820, Maine was admitted.
In 1821, Missouri was admitted.
In 1836, Arkansas was admitted.
In 1837, Michigan was admitted.
In 1845, Florida was admitted.

In 1845, Texas was admitted.
In 1846, Iowa was admitted.
In 1848, Wisconsin was admitted.
In 1850, California was admitted.
In 1858, Minnesota was admitted.
In 1859, Oregon was admitted.
In 1861, Kansas was admitted.
In 1863, West Virginia was admitted.
In 1864, Nevada was admitted.
In 1867, Nebraska was admitted.
In 1876, Colorado was admitted.
In 1889, North Dakota was admitted.
In 1889, South Dakota was admitted.
In 1889, Montana was admitted.
In 1889, Washington was admitted.
In 1890, Idaho was admitted.
In 1890, Wyoming was admitted.

It will thus be seen that by the recent admission of the six states last mentioned, we now have in our federal Union forty-four states.

Territories. —

"The Congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."

In accordance with this provision, Congress has from time to time passed laws regulating the organization of the territories and providing for territorial governments. We have at the present time, in addition to the forty-four states just mentioned, the District of Columbia, the Indian Territory, the unorganized Territory of Alaska, and four territories with regularly organized territorial governments as follows: —

1. New Mexico.
2. Arizona.
3. Utah.
4. Oklahoma.

Republican Government. —

"The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence."

By this section a republican government is made obligatory upon all the states. No particular department of the United States government is charged with this duty. It would seem reasonable that Congress should decide what government is the established one in a state, and this has been sanctioned by a decision of the Supreme Court. It would seem necessary also that the

President, as the executive officer of the national government, and commander-in-chief of the armies of the nation, should see that the provisions of this section should be enforced.

Amendments. —

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress: *provided* that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the Senate."

Two modes of proposing amendments are here given, and there may be two modes of ratification: —

1. Amendments to the Constitution may be proposed to the several states by a two-thirds vote of both houses in Congress.

2. Amendments may be proposed by a convention, on the application of the legislatures of two-thirds of the states.

Whenever amendments have been proposed to the states by either of these methods, there are two ways in which they may be ratified: —

1. By the legislatures of three-fourths of the several states.

2. By conventions in three-fourths of the several states, as the one or the other mode of ratification may be proposed by Congress.

As a matter of fact, all the amendments which have been hitherto made have been proposed to the states by Congress; and they have all been ratified by the legislatures. It is probable that this method, which has proved satisfactory in the past, will not be departed from in the future..

Supreme Law of the Land. —

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding."

This clause is of paramount importance in showing that the government of the United

States is supreme, and must be, not merely over the people, but over the land of the whole country, in all places belonging to this nation.

The Constitution, laws, and treaties are here made the supreme law of the land; and the statement is explicit and emphatic, that "the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding."

> "The ratifications of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same."

As a matter of fact, the adoption of this Constitution was a peaceful revolution.

The Articles of Confederation provided as follows: —

> "And the Articles of this Confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state."

They further provide, —

> "That the articles thereof shall be inviolably observed by the states they respectively represent, and that the union shall be perpetual."

Contrary, then, to these provisions of the Articles of Confederation, which were emphatically the supreme law of the land, this Constitution provides that it should go into effect between nine states as soon as ratified by that number.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is meant by "full faith and credit"?
2. "Public acts"?
3. "Records"?
4. "Judicial proceedings"?
5. How may new states be admitted?
6. What power has Congress over the territories?
7. What has been the uniform method of proposing amendments to the Constitution?
8. What has been the uniform method of adopting amendments to the Constitution?

BLACKBOARD OUTLINE.

AMENDMENTS TO THE CONSTITUTION.

First Ten Amendments. — A Bill of Rights.

Eleventh Amendment. — Judicial Department.

Twelfth Amendment. — The Election of President.

Thirteenth Amendment. — Slavery.

Fourteenth Amendment. — Citizenship, Congressional Representation, Inability to hold Office under the United States, the Public Debt.

Fifteenth Amendment. — Shall not deny or abridge the right to vote.

Putting the Constitution into Operation.

CHAPTER V.

THE AMENDMENTS TO THE CONSTITUTION.

Conventions were called in the several states to discuss and adopt, or reject, this Constitution. After a time it was adopted by all of the thirteen original states, yet in several conventions there was a strong desire for certain modifications to satisfy the evident will of the people.

Congress, at its first session under the Constitution, proposed to the states twelve articles of amendment. Of these articles ten were ratified by the legislatures of three-fourths of the states, and became part and parcel of the Constitution from the fifteenth day of December, 1791. These constitute the first ten of the amendments to the Constitution. They, in general, relate to the rights of the people and to limitations of government. (The teacher is advised to turn to the Constitution, and read these amendments, discussing them in an informal way with the class.)

The Eleventh Amendment was proposed at the first session of the Third Congress, in 1794, and was declared adopted as a part of the Constitution January 8, 1798.

This amendment, which has been already considered, restricts the judicial power of the United States in suits at law between one of the United States and citizens of another state.

The Twelfth Amendment relates to the manner of electing President and Vice-President, and has already been considered. It was proposed by the first session of the Eighth Congress, in 1803, and was adopted by the requisite number of states the next year. At present there are three other amendments, the Thirteenth, Fourteenth, and Fifteenth, all of which have grown out of the Civil War.

The Thirteenth Amendment. —

"Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Congress shall have power to enforce this article by appropriate legislation."

This amendment was proposed by Congress in 1865, and ratified by the constitutional number of states the same year.

The Fourteenth Amendment. —

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they

reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

"Representatives shall be apportioned among the several states, according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

"No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Consti-

tution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

"The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

This amendment was proposed by Congress in 1866, and was declared to be a part of the Constitution in July, 1868.

Fifteenth Amendment. —

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

"The Congress shall have power to enforce this article by appropriate legislation."

The object of this article was to secure suffrage to the colored race, especially to the freed men of

the South. It specifies three points, in respect to which the right of citizens of the United States to vote shall not be denied or abridged, either by the national or state governments: —

1. On account of race.
2. On account of color.
3. On account of previous condition of servitude.

It was at first proposed to add two other points, nativity and religion, but these were stricken out before the proposed amendment was sanctioned by Congress.

This amendment was proposed by Congress in 1869, and was declared to be ratified in 1870.

Putting the Constitution into Operation.— In July, 1788, a committee was appointed by the Congress to report an act for putting the Constitution into operation. This committee reported an act which was adopted on the 13th of September, as follows: —

"*Resolved*, that the first Wednesday in January next be the day of appointing electors in the several states, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution."

The first Wednesday in March, 1789, happened to be the fourth day of the month, and as one presidential term and two Congresses occupies, by the Constitution, exactly four years, it follows that the inauguration of the President is to take place on the fourth day of March every fourth year, beginning with 1789.

Washington was elected President by unanimous vote. John Adams was declared elected Vice-President, and the new government went into operation quietly and with the general sanction of the people of the country. It is not a little remarkable that the first President should have been elected unanimously, and re-elected unanimously. No President since his day has received a unanimous vote of all the electors.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned, and to suggest further thought, reading, and study.

1. When were the first ten amendments adopted?
2. Why are they called a "Bill of Rights"?
3. What is the Eleventh Amendment?
4. Give a brief history of the Twelfth Amendment, and state its object.
5. Tell the story of the Thirteenth Amendment.
6. Also the Fourteenth.
7. What was the object of the Fifteenth Amendment?
8. What measures were taken by the Congress for putting the Constitution into operation?

BLACKBOARD OUTLINE.

THE GROWTH OF OUR COUNTRY.

The Treaty of Paris.
Weakness of the Articles of Confederation.
Purchase of Louisiana.
Purchase of Florida.
Spanish Boundary.
Annexation of Texas.
Mexican Provinces.
Discovery of Gold.
The Oregon Country.
Alaska.
Our Present Condition.

CHAPTER VI.

THE GROWTH OF OUR COUNTRY.

THE original thirteen English colonies which secured their independence by the revolutionary war, extended from the St. Croix River on the eastern borders of Maine to the southern boundary of Georgia. The settlements in these colonies were invariably near the sea-coast. At the beginning of the revolution, but few settlers were to be found more than a hundred miles from the Atlantic. These colonies in the main extended westward to the Alleghany Mountains, but several of them claimed, under their grants and charters from the British crown, westward to the Mississippi River.

The Treaty of Paris. — The treaty of peace between the new Republic and Great Britain was negotiated at Paris. The preliminary treaty was signed in 1782, and the definitive treaty was executed the year following. Our commissioners in the negotiation of this treaty, to whom this country owes great gratitude for their patriotism and sagacity, were John Adams, John Jay, and Benjamin Franklin. In spite of strong opposition

they succeeded in securing for us the entire territory as far north as the Great Lakes, and westward to the Mississippi River, and southward to latitude 31°, the northern limit of Florida. This immense territory comprised more than eight hundred thousand square miles, and was from three to four times as large as France, or Spain, or Italy.

Weakness of Articles of Confederation. — But the national government was weak and inefficient. The Articles of Confederation provided only for a Congress of delegates from the different states sitting as one house only, with no executive and no judicial department. This Congress had all power in advising and recommending, but no power to oblige the various States to perform their requisite duties. In 1787, on the recommendation of the Congress, a convention composed of delegates from the several states, assembled in Philadelphia, and framed the United States Constitution. This Constitution was submitted to the several states, and finally adopted by them all. Washington was unanimously elected the first President, and the new government went into effect on the fourth of March, 1789. The country soon began to rally, business improved, agriculture flourished, and manufactures increased. The new Republic was now on

a strong basis with a vigorous government, and it entered upon a career of unexampled growth and prosperity.

Purchase of Louisiana. — The extent of territory remained unchanged until the year 1803. Three years before this, Napoleon Bonaparte, then the First Consul of France, had secured from Spain that territory called the Province of Louisiana, which extended from the Gulf of Mexico on the south, northward as far as the Lake of the Woods, and from the Mississippi River westward to the Rocky Mountains. Early in the year 1803, Napoleon, finding himself on the eve of a war with Great Britain, proposed to sell this immense territory to the United States, in order to prevent its capture by Great Britain, and to replenish the treasury of France. In April of the year just mentioned, the treaty was executed by Napoleon and his secretary of the treasury, Barbè Marbois, for the Republic of France, and Robert R. Livingston and James Monroe for the United States of America. By this peaceful treaty, the entire territory, called the Province of Louisiana, was conveyed to the United States, we paying therefor the sum of fifteen million dollars. It was an accession so great that, comprising as it did nine hundred thousand square miles, it more than doubled our former territory. The

result has proved that it was of great importance to our country.

The Purchase of Florida. — Having obtained a foothold upon the Gulf of Mexico, our statesmen naturally desired to secure the coast from the Atlantic to New Orleans. Consequently, in 1819, we negotiated a treaty with Spain by which, for the sum of five million dollars, she ceded to us her provinces of East and West Florida. This treaty completed our title to the territory from the Atlantic to the Rocky Mountains, and from the Gulf to the Great Lakes.

Spanish Boundary. — The third article of the Florida treaty related to the boundary line between the United States and the Spanish provinces of North America. It established this line as follows: —

Beginning on the Gulf of Mexico at the mouth of the Sabine River, and following up that river to a certain point, thence due north, on the line which is now the boundary line of Texas, to the Red River; thence up the Red River to latitude one hundred; thence due north to the Arkansas River, and up the Arkansas to its source; thence due north to latitude forty-two, and westward upon that parallel to the Pacific Ocean. Spain relinquished all claim to the terri-

tory north and east of this line, and the United States relinquished to her all claim to the territory west and south of the line. This treaty gave us a stronger claim to the Oregon country, while we relinquished to Spain whatever claims we might have had to Texas.

Annexation of Texas. — Texas declared herself independent of Mexico in 1836; and in 1845, by joint resolution of Congress, ratified by the government of Texas, she was annexed to the United States.

Purchase of Mexican Provinces. — The war with Mexico followed; and at the conclusion of that war, our army being entirely victorious, and having captured the city of Mexico, a treaty was made between us and that country by which Mexico relinquished to us her provinces of New Mexico and Upper California, for which we paid the sum of fifteen million dollars. In 1853, through General Gadsden, we purchased from Mexico an additional strip of territory called the Masilla Valley, south of the Gila River, and now known as the Gadsden Purchase. For this strip we paid Mexico the sum of ten million dollars.

The Discovery of Gold. — Almost simultaneously with the news of the treaty with Mexico came the report of the discovery of gold in

California. The "gold fever" spread rapidly throughout the country, and in 1849 and 1850 thousands of persons flocked from all sections to the California coast in search of gold.

The state government was organized, and California was admitted as one of the states of the Union in 1850.

The Size of these Additions. — The annexation of Texas, with her original boundaries, gave us about three hundred thousand square miles; and the purchase of the Mexican provinces gave us six hundred thousand square miles more, so that our territory by this means was increased to the extent of another nine hundred thousand square miles.

The Oregon Country. — Our title to Oregon is based upon several claims, as follows: —

1. By right of discovery (Captain Gray in 1792).
2. By exploration (Lewis and Clark in 1805–6).
3. By first settlement (Astoria in 1811).
4. By purchase from France in 1803 of whatever claim she might have had to the country.
5. By purchase from Spain, in the Florida treaty, 1819, of all her right to this territory north of latitude forty-two.
6. By treaty with Great Britain in 1846, by which she yielded to us all her claim to the country south of latitude forty-nine.

This country included what to-day is comprised in the states of Oregon, Washington, and Idaho, and embraces about three hundred thousand square miles. Many parts of it are of the greatest fertility, with a mild and equable climate, forming in all respects one of the most delightful countries in the world.

Alaska. — In 1867 our government, through Secretary Seward, negotiated a treaty with the Russian government by which we obtained the entire territory of Alaska, comprising, in round numbers, about six hundred thousand square miles. We paid for this territory the sum of seven million two hundred thousand dollars. This is our latest addition.

Our Present Whole Country. — Our country now embraces about 3,600,000 square miles. Its eastern limits are the Atlantic Ocean; its western, the Pacific Ocean; its southern boundary is upon the Gulf of Mexico, and its northern is the Arctic Ocean. It extends through about one hundred and thirty degrees of longitude, and about forty-five degrees of latitude. It may be considered as embraced in four nearly equal divisions. The first part, being a little less than a quarter of the whole, includes the original territory east of the Mississippi River; the second

quarter, of about 900,000 square miles, embraces the Province of Louisiana; the third quarter consists of the original Texas, about 300,000 square miles, and the Mexican cessions of about 600,000 more; the fourth quarter includes the Oregon country, about 300,000 square miles, and Alaska, about 600,000 more.

Our Present Condition. — The entire extent of our country at the present time is 3,603,884 square miles. This is divided into forty-four states, six territories, and one federal district. The states proper include about 2,800,000 square miles, and the territories 800,000 square miles. The aggregate population is not far from 64,000,000, of which about 63,000,000 are in the states, and nearly 1,000,000 in the territories, including the District of Columbia. The densest population is in the State of Rhode Island, which averages about two hundred and fifty per square mile. If the entire country had a population as dense as Rhode Island, it would contain over 900,000,000, or about three-fifths of the present population of the globe.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the original extent of the United States territory?

2. Describe the Treaty of Paris.

3. Discuss the weakness of the Articles of Confederation.

4. Write a brief account of the purchase of the Province of Louisiana.

5. When was Florida purchased, of whom, and for what price?

6. Describe the third article of the Treaty of Florida.

7. Give some account of the annexation of Texas. Of the purchase of New Mexico and California.

8. Tell something about the discovery of gold in California, and its effects upon the country.

9. Upon what various grounds did we lay claim to the Oregon country?

10. When was Alaska purchased; by whom, of whom, at what price, and what was its extent?

11. Describe the present extent of our whole country: its aggregate size and its aggregate population.

BLACKBOARD OUTLINE.

RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

Formation of a Society.

Form of a Constitution.

Election of Officers.

Officers and their Duties.

Transaction of Business.

CHAPTER VII.

RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

SECTION I.

FORMATION OF A SOCIETY.

THIS is a country of majorities. The fundamental principle of our government is that the majority vote shall dominate. Deliberative assemblies are numerous throughout the land, from the Senate of the United States to the boys' debating society in the school. Every pupil in the upper classes of the grammar school should learn how to transact business in an orderly manner in an organized meeting.

The Senate of the United States, the National House of Representatives, the State Senate and House, the town meeting, the agricultural and the historical society, the county convention, the village lyceum, all are governed by "Rules of Order." The rules of the Senate are fixed and well known. The rules of the House are adopted by each Congress.

"Cushing's Manual," "Jefferson's Manual," and Barclay's "Digest of the Rules and Practice of the House of Representatives, U. S.," are well-known treatises on "Rules of Procedure."

Let us suppose that the pupils of a certain school are about to form a debating society. The proper method would be for a number of persons interested in the matter to sign and post in the school-house a call for a meeting to organize such a society. Notice might, however, be given in some other manner; for example, at the request of several pupils, the teacher could give notice that all persons interested in effecting such an organization are requested to meet at such a time and place. If a written notice were posted, then the time having arrived, and the company being assembled, some one who had signed the call should call the meeting to order. Then the call may be read. Next a chairman should be chosen, on nomination, and a majority vote. A majority vote means a majority of all votes cast. A plurality means a larger number than any other one candidate has received. Blank ballots are not votes, and should not be counted as such. The chairman, being elected, takes the chair, and calls for the nomination of a secretary. When the secretary is elected, the meeting is duly "organized."

It would then be proper to call for the appoint-

ment of a committee to draft a "Constitution" and "By-Laws." The meeting might then adjourn to a certain time and place, or to the call of the chairman, or to the call of the committee.

Report of the Committee. — At the next meeting the "Committee on Constitution" reports a draft for constitution and by-laws, which, after discussion and amendments, may be adopted.

Form of a Constitution. — The following will indicate the ordinary form of a constitution. Of course every constitution will have some distinguishing features differing from every other one.

CONSTITUTION OF THE CHICKATAWBUT DEBATING CLUB.

Article I.

NAME.

The name of this organization shall be the Chickatawbut Debating Club.

Article II.

OBJECT.

The object of the club shall be to improve its members in the art of public speaking and conducting affairs in a deliberative assembly.

Article III.

MEMBERS.

Section 1. Membership in this club is confined exclusively to the members of the senior class in the —— Grammar School, in the town (or city) of ——.[1]

Section 2. Any member of said class in said school desiring to become a member of this club, should make application to the Executive Committee, and, being recommended by said committee, and receiving a two-thirds vote of the members of the club present at any regular meeting shall be constituted a member by signing the constitution.

Article IV.

OFFICERS.

Section 1. The officers of the club shall consist of a President, a Vice-President, a Secretary, a Treasurer, and an Executive Committee, composed of the above-named officers and three other members.

Section 2. All officers shall be elected by ballot at the first meeting of each school year.

Section 3. The Executive Committee shall have the general management of the affairs of the club.

Section 4. It shall be the duty of the President, Vice-President, Secretary, and Treasurer faithfully to discharge the duties usually required of such officers in an association of this character. The President shall be chairman of the Executive Committee.

[1] This draft of a constitution is designed to fit a large graded grammar school. For a high school, or an ungraded school, the necessary changes from this form will readily suggest themselves to suit the particular school.

The Secretary shall give notice of the regular meetings, and of any special meetings called by the President, by posting upon the bulletin board in the schoolhouse a written notice at least twenty-four hours prior to the time for said meeting.

Article V.

FINANCE.

Section 1. The annual membership fee shall be ——, which shall be payable at the first meeting in each school year.

Section 2. Any member who shall not have paid his dues on or before the first regular meeting in December shall be notified by the treasurer that unless such. dues are paid by the date of the first meeting in January his name shall be dropped from the membership of the club.

Section 3. No bills shall be paid by the treasurer till they are audited by the president.[1]

Article VI.

MEETINGS.

Section 1. The regular meetings of this club shall be on the second and fourth Friday evenings of each month, during term time.

Section 2. Special meetings may be called by the president, and he shall call a special meeting at the request in writing of three members of the club.

[1] In societies where the treasurer handles large sums of money, it is common to have an auditor, as a special officer of the society.

Article VII.

AMENDMENTS.

This constitution may be altered or amended by a two-thirds vote of the members present at any regular meeting of the club, notice of such alteration or amendment having been given in writing at a previous regular meeting.

The above will serve as a model by which the pupils in any school may frame a constitution to suit their own wants.

When the constitution has been reported by the committee, it should be read throughout, and then discussed article by article. When each article has been duly considered, and such amendments as might be proposed have been adopted or rejected, the article should be adopted, and then the next, and so on, until the entire constitution has been adopted by articles. It should then be adopted as a whole.

Election of Officers. — After the adoption of the constitution, the first business in order will be the election of officers. As each officer is elected, he replaces the temporary one, and when they are all elected the organization is completed.

In most cases the constitution provides some form for the admission of members. It is quite common for associations to require that each member shall sign his name to the constitution.

Section II.

OFFICERS AND THEIR DUTIES.

Chairman or President. — It is the duty of the Chairman to call the meeting to order at the appointed time, to preside at all the meetings, to announce the business before the assembly in its proper order, to state and put all questions properly brought before the assembly, to preserve order and decorum, and to decide all questions of order (subject to an appeal). When he "puts a question" to vote, and when speaking upon an appeal, he should stand; in all other cases he can sit. In all cases where his vote would affect the result, or where the vote is by ballot, he can vote. When a member rises to speak, he should say, "Mr. Chairman," and the Chairman should reply, "Mr. A." He should not interrupt a speaker so long as he is in order, but should listen to his speech, which should be addressed to him and not to the assembly. The Chairman should be careful to abstain from the appearance of partisanship, but he has the right to call another member to the chair while he addresses the assembly on a question; but when speaking to a question of order he does not leave the chair.

The **Clerk, Secretary,** or **Recording Secretary,** as he is variously called, should keep a record of

the proceedings of the convention, society, or association, whose officer he is. It is not his duty to record discussions, but only the resolutions, motions, orders, or whatever the action of the society may be called. He should record every vote, stating whether the motion or resolution which had been offered was adopted or rejected.

It is sometimes customary in the records to say that the question was discussed by Messrs. A., B., and C. in the affirmative, and D., E., and F. in the negative.

It is necessary for an inexperienced secretary to keep constantly in mind in making his records the fact that he is to record not what was said but what was done. Above all, he should never make in his minutes any criticism, favorable or unfavorable, upon anything that was said or done in the meeting.

The Form of the Minutes can be as follows:—

"The regular meeting of the Chickatawbut Club was held in the school-room, on Friday evening, May 9, 1890. The president was in the chair, and in the absence of the secretary, Mr. A. was chosen secretary *pro tem.* The minutes of the previous meeting were read and approved. The following persons were admitted by vote as members of the club, Messrs. A. B., C. D., E. F., and Misses G. H., I. J., and K. L."

The question for the evening was the following:—

"*Resolved,* That the explorations of Henry M. Stanley will prove of greater value to the world than the Arctic voyages of Dr. Kane.

"The disputants upon the affirmative were Messrs. M. N., O. P., and R. S., and in the negative Mr. T. U., and Misses V. W., and X. Y.

"The question was decided by a large majority in the affirmative.

"At five minutes before nine o'clock the club adjourned.

"S—— E—— C——, *Secretary.*"

The constitution, and, if there are any, the by-laws, rules of order, and standing rules should be written in a book with blank pages, writing only on the right-hand page. The left-hand page should be left blank, on which amendments to the articles opposite may be entered, if there should be any. Each amendment should have recorded with it a reference to the date and page of the minutes where the action of the society adopting such amendment is recorded. It is customary to insert the constitution, etc., in the first part of the society's book, after which would be recorded the names of the members. Following these names the page can be used for the record of the minutes of the society.

Treasurer. — It is the duty of this officer to collect and hold the funds belonging to the society, and to pay out money on the order of the proper officer.

The treasurer should make a report annually to the society, which report should contain a statement of the amount of money on hand at the beginning of the year and amount received during the year, including the sources through which the money has come ; and a statement in brief of the amount of money paid out by order of the society and the balance on hand at the end of the year. This report is usually referred to an auditing committee, consisting of one or more persons, whose duty it is to examine the treasurer's books and vouchers, and make a certificate as to the correctness of his report. The form of auditor's report is usually something like the following: —

"I hereby certify that I have examined the accounts and vouchers of the above report of T—— R——, the treasurer of the Chickatawbut Club, and find them correct, and that the balance on hand is," etc., stating the amount on hand.

It is usual after the auditor's report has been read to accept the treasurer's report.

Committees. — In small societies there is less need of committees, but in permanent organizations, like the National or State Senate or House,

Common Council in a city, or school committee, nearly all matters of business should be referred to appropriate committees. These sub-committees examine the matters referred to them and report to the entire body. When a committee thus reports, it is usual for the body to accept its report, and unless special objections appear, to adopt its recommendations.

The first-named member of a committee is usually its chairman. It is his duty to call the committee together and to preside at their meetings. If he is absent it is customary for the next member in order to preside. A majority of a committee should constitute a quorum. The committee should not act unless a quorum be present. The committee may make a majority and minority report if the members do not agree. When a majority and a minority report have been presented to a body, it is competent for any member to move the acceptance of the majority report. It is proper for some other member to move to substitute the minority for the majority report. The minority report cannot be acted upon except by such motion to substitute it for the majority. When the committee's report has been read and accepted, the committee is discharged, without further motion, unless their report be a report of progress.

Section III.

TRANSACTION OF BUSINESS.

Every order, resolution, or motion to be submitted to a deliberative assembly should be in writing, and having been read should be handed to the president.

The following will illustrate the form of a resolution: —

"*Resolved.* — That the thanks of the Chickatawbut Club are hereby tendered to the principal of our school, Mr. A. B., for his timely, interesting, and useful address, to which we have just listened."

The person desirous of offering this resolution should rise from his seat and address the chairman by his title, thus "Mr. President," or "Mr. Chairman," who immediately recognizes him and announces his name. He, then, having the floor, says "I move the adoption of the following resolution," which he reads and hands to the chairman. Some one else seconds the motion, and the chairman says, "It has been moved and seconded that the following resolution be adopted." He then reads the resolution, and, says, "Are there any remarks upon the resolution?" Here will follow a discussion of the resolution pro and con, if the members should be so disposed. If no one rises

to speak when the question is thrown open for discussion, or it having been discussed and the president thinks the debate is closed, he says, "Are you ready for the question?" If no one rises to speak, he puts the question in a form similar to the following: "The question is upon the adoption of the resolution which you have heard read. Those of you who are in favor of adopting this resolution will manifest it by saying 'Aye'; those contrary minded, 'No.' It is a vote, and the resolution is adopted." If the majority vote in the negative, the chairman will state that the resolution is lost. If he is in doubt, he will say, "The chair is in doubt, those in favor of the adoption of the resolution will rise and stand until counted." The president or the secretary makes the count. Those opposed will rise." The chairman announces the result.

A debating society like the one proposed above will prove of great service to young persons at school. They will not only improve themselves in the ability to speak before others, and present their thoughts in a clear and forcible manner, but they will rapidly improve their power to think upon any question which may be presented to their minds for consideration. Not the least advantage will be found to consist in their becoming familiar with proper methods of transact-

ing business in a deliberative assembly. Every such young person should familiarize himself with all points connected with rules of order, and such persons are specially advised to make themselves familiar with some one or more of the books heretofore recommended on this subject.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Why is this a country of "Majorities"?
2. Describe the method of forming a society.
3. What are the essential officers?
4. Method of electing officers.
5. Duties of President.
6. Duties of Secretary.
7. Duties of Treasurer.
8. Why have an Auditor?
9. Write a form for auditing the Treasurer's annual report.
10. Write a form of "Minutes" of a meeting.
11. Write a "Resolution," extending the thanks of the society for a lecture.

APPENDIX.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

We the People of the United States, in order to form a more perfect Union, establish Justice, Insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. [1] The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2] No person shall be a Representative who shall not have attained to the Age of twenty five years, and been seven Years

[Note. — The small figures in brackets are not in the original, but have been added subsequently, to mark the different clauses in a section. In reprinting the constitution here, the spelling, punctuation, and capitalization of the original have been preserved.]

a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5] The House of Representatives shall chuse their Speaker and other officers; and shall have the sole Power of Impeachment.

SECTION. 3. [1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class

shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[3] No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[5] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. [1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may

at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [1] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [1] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other Place.

[2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[3] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being

disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power

[1] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[2] To borrow Money on the credit of the United States;

[3] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

[4] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

[7] To establish Post Offices and post Roads;

[8] To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

[9] To constitute Tribunals inferior to the supreme Court;

[10] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

[11] To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

[13] To provide and maintain a Navy;

[14] To make Rules for the Government and Regulation of the land and naval Forces;

[15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings; — And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. [1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5] No Tax or Duty shall be laid on Articles exported from any State.

[6] No Preference shall be given by any Regulation of Com-

merce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[7] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. [1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[2] No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

[3] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE. II.

SECTION. 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his

Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

[2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

* [3] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority and have an equal number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a Quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a choice. In every Case, after the Choice of the President, the Person having the greatest Number

* This clause has been superseded by the 12th amendment, on page 80.

of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[4] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[5] No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[6] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[7] The President shall, at stated Times, receive for his services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[8] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: —

"I do solemnly swear (or affirm) that I will faithfully exe-
"cute the Office of President of the United States, and will to
"the best of my Ability, preserve, protect and defend the Con-
"stitution of the United States."

SECTION. 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the

United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

[2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE. III.

SECTION. 1. The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

SECTION. 2. [1] The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — between a State and Citizens of another State; — between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the surpreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[3] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. [1] Treason against the United States, shall con-

sist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[2] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[3] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[2] The Congress shall have Power to dispose of and make all

needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every

State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G° WASHINGTON —

Presidt and deputy from Virginia

NEW HAMPSHIRE.

JOHN LANGDON — NICHOLAS GILMAN

MASSACHUSETTS.

NATHANIEL GORHAM — RUFUS KING

CONNECTICUT.

WM SAML JOHNSON — ROGER SHERMAN

NEW YORK.

ALEXANDER HAMILTON

NEW JERSEY.

WIL LIVINGSTON — DAVID BREARLEY

WM PATERSON — JONA DAYTON

PENNSYLVANIA.

B Franklin
Robt Morris
Tho Fitzsimons
James Wilson
Thomas Mifflin
Geo Clymer
Jared Ingersoll
Gouv Morris

DELAWARE.

Geo Read
John Dickinson
Jaco Broom
Gunning Bedford, Jun'r
Richard Bassett

MARYLAND.

James M'Henry
Danl Carroll
Dan of St Thos Jenifer

VIRGINIA.

John Blair
James Madison, Jr

NORTH CAROLINA.

Wm Blount
Hu Williamson
Rich'd Dobbs Spaight

SOUTH CAROLINA.

J Rutledge
Charles Pinckney
Charles Cotesworth Pinckney
Pierce Butler

GEORGIA.

William Few
Abr Baldwin

Attest: WILLIAM JACKSON, *Secretary.*

Articles in Addition to, and Amendment of, the Constitution of the United States of America,

Proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

(ARTICLE I.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging

the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which

district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(ARTICLE XI.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(ARTICLE XII.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at

least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; — The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to

the office of President shall be eligible to that of Vice-President of the United States.

(ARTICLE XIII.)

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

(ARTICLE XIV.)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECT. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State.

SECT. 3. No person shall be a senator or representative in

Congress, or elector of president or vice-president, or hold any office, civil or military, under the United States or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

SECT. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECT. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

(ARTICLE XV.)

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.

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ELEMENTS OF CIVIL GOVERNMENT

OF THE

STATE OF MICHIGAN

STATE CAPITOL, LANSING, MICHIGAN.

ELEMENTS

OF

CIVIL GOVERNMENT

OF THE

STATE OF MICHIGAN

BY

ANDREW C. McLAUGHLIN

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PREFATORY NOTE.

THE subject-matter of this volume gives a clear outline of the history and government of the State of Michigan, stated in language that can be easily understood. The aim has been to provide a text that can be profitably used in the high schools, the advanced grades of grammar schools, and in the more advanced classes in rural schools.

The purpose of the book, then, is to furnish to the youth of this state facilities for gaining a knowledge of its governmental history and of the workings of its governmental policy, — such a knowledge as shall prepare them for intelligent action under the government, and inspire them with a love for our republican institutions.

Let it not be overlooked that every youth, every citizen, is equally interested with every other. It is not in this state as in monarchical countries, where the few rule by hereditary right, and the many must submit to be governed. In Michigan every citizen is a ruler, who not only has a voice in the government, through his ballot, but may properly aspire to the highest position of honor and trust within the gift of the people. Such possibilities and privileges involve correspondingly large and weighty responsibilities.

As applied to human government, it may be said of this country more than of any other on the face of the globe, that all power resides with the people and emanates from them; and since government depends upon the will of the people for its support, direction, and development, it is of vital importance not only that the forms be understood, through which that government is administered, but that the history of its establishment and growth be fully known. The people should be imbued with the spirit of American institutions, inhaling and exhaling loyalty with every breath. What more fitting period than that of youth in which to lay the foundations of this intelligence, to foster the growth of this allegiance, and to fix indelibly in mind and heart the principles that control good citizenship? Let the subject of civil government find place in some form in the regular work of every school in the state.

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THE HISTORY AND CIVIL GOVERNMENT

OF THE

STATE OF MICHIGAN.

CHAPTER I.

EARLY HISTORY.

The State. — Michigan is naturally divided into two parts known as the upper and lower peninsulas. These two divisions are unlike in many ways, but together they form a state which has a great variety of resources and can support a large population with diversified industries. The lower peninsula, especially its southern half, is covered with fine farms. The northern half has been covered with immense forests which have furnished the best of white pine lumber or have given hard woods for the furniture factories and other industries of the state. The northern peninsula is one of the richest mineral regions of the world. Iron ore of unusual richness is mined in immense quantities. The state furnishes over one-third of all the iron ore produced in the United States, its value being nearly one-half of the total product. In its output of copper Michigan stands second in the Union. The two peninsulas have an area almost

exactly the same as that of England and Wales — more than that of New York or Pennsylvania. The long coast line of the state, — not far from sixteen hundred miles, — with its numerous harbors and places of refuge, gives facilities for shipping which will make Michigan one of the great commercial centers of the world. As regards population, Michigan stands ninth in the roll of states, and has now nearly as many inhabitants[1] as had the thirteen colonies when they declared their independence from Great Britain. The history and the government of the commonwealth are, then, worthy thoughtful study.

We will try to notice the growth of methods of government and of ideas about government. Thoughts on political matters show themselves in institutions and laws. We shall need to study, therefore, laws and the machinery of government in order to understand the people as they are organized; and we must study the people and notice their history if we would appreciate the present government and the condition of society.

The French Discoverers. — The early history of Michigan is part of that of Canada. We know that early in the seventeenth century, one year after the English founded Jamestown, the French made a permanent settlement at Quebec.[2] At once the hardy French priests and adventurous traders began to find their way into the interior of the continent. The priest was eager to convert the Indians to Christianity. The trader wished to barter for the hides of the beaver. Before the Pilgrim Fathers had landed on Plymouth Rock, Champlain had

[1] Population 2,093,889 by census of 1890. [2] 1608.

stood on the shores of Lake Huron. From that time there were a number of expeditions into the northwest, and soon a profitable fur trade with Indians of the lake region was established. Many of the French colonists along the St. Lawrence, naturally of a roving, free-and-easy disposition, broke away from the restraints of the colony and wandered off into the western country. These *coureurs de bois*,[1] or bush-rangers, carried on irregular traffic with the savages.

Early Settlements. — While the English were spreading their settlements along the Atlantic coast and slowly making their way back into the country, clearing away the forest for farm and homestead, the French were exploring the great west and taking up positions of advantage on lake and river. These places were missionary stations or centers of the fur trade; but they were also outposts against English, or especially Dutch, advance into the northwest. They were chosen so carefully with reference to the geography of the country that they became towns and cities of importance when the Americans in this century came to build up their states. Father Marquette, a bold French priest, as early as 1668 established a Christian mission at the Falls of St. Mary (*Sault de Ste. Marie*). This is the oldest town in the northwest and older than many of the early settlements of the east, — fourteen years older than Philadelphia.

La Salle. — About ten years later[2] the brave La Salle launched the "Griffin," the first sailboat on Lake Erie. He sailed through the Detroit River, christened Lake St. Clair in picturesque fashion, and made his way even

[1] Literally "rangers of the wood." [2] 1679.

to Green Bay. In 1682 he floated in his canoe down the Mississippi, and at its mouth took possession of the country in the name of the king of France.[1]

Settlements of Bush-rangers. — Before the end of the seventeenth century the wandering bush-rangers made straggling and irregular settlements where fancy and trade directed or in places that would prevent the entrance of the English into Michigan, which was the home of the beaver. The wandering Frenchmen often forgot all the restraints of civilized life when they escaped into this western wilderness. They took upon themselves the habits of the savages with whom they associated, often married Indian wives, and lived a listless, happy, careless life. Their settlements were of little moment in building up the country or winning it for civilization, but the descendants of these bush-rangers, or the retired watermen who had traversed with their canoes the western lakes and rivers, formed an element of no little importance in the early history of Michigan as an American province.

Detroit. — The center, however, from which Michigan grew was Detroit. It was founded by the French under La Motte Cadillac. He had noted the many advantages of the place, and in 1701 brought a company of artisans and soldiers to occupy it. Cadillac seems to have had the English, rather than the French, notion about civilization. He did not desire that Detroit should

[1] Parkman, the great historian of New France, thus describes La Salle. "He was a tower of adamant, against whose impregnable front hardships and danger, the rage of man and the elements, the southern sun, the northern blast, fatigue, famine, and disease, delay, disappointment, and deferred hope emptied their quivers in vain." — "La Salle and the Discovery of the Great West," p. 407.

be a mere military outpost or a trading station. He wanted an agricultural colony, which could support itself and develop its own life. Although he was disappointed by the trials which beset him, and although the town grew at a snail's pace, Detroit was soon the most important colony in the west. Its founder had been impressed with the beauty of the site. He spoke of "the living and crystal waters" of the river, "the ambitious vine, which has never wept under the pruning-knife, — with its large leaves and heavy clusters, weighing down the top of the tree which receives it." He did not praise too highly the attractions of the place. A hundred years later, the beautiful orchards[1] of the simple French farmers near Detroit surprised the incoming "Yankees." Spite of difficulties, therefore, and the easy-going methods of farming, the place grew through the eighteenth century and at the close of the French and Indian war some authorities say there were as many as twenty-five hundred inhabitants in the fort and its vicinity.

The French and Indian War. — Although the French explorers and traders had known the great west long before the Englishman had pushed his way west to the Alleghanies, yet after all the hold of the French on the country was feeble. The English colonies on the At-

[1] "Many a thrifty Mission Pear
Yet o'erlooks the blue St. Clair,
Like a veteran, faithful warden;
And their branches, gnarled and olden,
Yield their juicy fruit and golden.
In the ancient Jesuit garden,
Still, each year, their blossoms dance,
Scent and bloom of sunny France."

lantic border had grown freely and naturally. They had thrust out new settlements as they felt the impulse or as the needs of the people seemed to demand. They had learned how to govern themselves, and learning how had done so. Without being bound and fettered by the mother country, they had prospered. They were sturdy, strong, self-reliant. The French of Canada, on the other hand, had not been allowed to grow naturally. They were not practised in self-government. They had been kept ignorant and were, as a result, not self-reliant, though sometimes wilful. The trade and business of Canada had not grown naturally, but had been shaped by the policy and wishes of the home government. The colony was not vigorous and healthy, but weak, therefore, from the nature of things. Its hold on the west was far from strong; for there were only widely separated settlements and military outposts. When the English colonists began in the middle of the last century to wish for a home in the Ohio valley, the contest between the two great powers, France and England, was sure to come. Of the outcome there could be little doubt. France was powerful, but her colonies were weak and nerveless; for they had been paralyzed by too much care. The English colonies were strong with the energy of self-confidence and hope; for they had been neglected and had strengthened themselves.

Its Results. — The struggle decided to whom the vast territory in America then claimed by the French should belong. More than that, it decided whether the self-governing American colonist or the over-governed Frenchman should take possession of the country.

The victory of Wolfe on the Plains of Abraham[1] was the last great decisive battle of the war. France lost as a result all hold upon the continent. Canada and the whole northwest passed into the hands of England. When we consider the extent of the land thus gained by England and the meaning of the victory, we are impressed with its importance. "The triumph of Wolfe marks the greatest turning point as yet discernible in modern history."[2] North America was open for the English colonist with his civilization, his regard for law, and his love of liberty. The country now known as Michigan became British territory.

CHAPTER II.

BRITISH OCCUPATION OF THE NORTHWEST.

The Indians and the British. — In the latter part of 1760, the English took possession of Detroit. They ruled without intermission in Michigan for about thirty-six years, and in that time succeeded neither in conciliating the French nor in winning the respect and affection of the Indians. The French had the faculty of making friends of the Indians; his courtesy did not wound them, his easy, affable manners charmed them. The Englishman, on the other hand, was stiff, stern,

[1] Battle of Quebec, September 9, 1759. One of the great decisive battles of the world.

[2] Fiske's "American Political Ideas," p. 56.

and cold. His manner was repellant, and he seemed to dole out the presents with a certain caution which partook of stinginess and destroyed the very effect he sought. The Indian's regard for the Englishman must needs be purchased with beads, baubles, and drink. The Frenchman's good-humor had still its charm when his presents of gewgaws or brandy were gone. We might expect, under such circumstances, that, when Michigan was turned over to its new masters, the Indians would not remain quiet and peaceful.

Pontiac. — At this time the Indians had a great leader. Pontiac, a noted chief of the Ottawas, had power and influence throughout the northwest. He was a man of great vigor of mind. He was keen, wary, and ambitious. He seemed to see clearly what the English occupation meant. The Indian, no longer wooed by the two contestants, was now at the mercy of one. Unless there was a bold, determined stand against the English, they would push on into the country, driving the Indians from their homes and hunting grounds.

Siege of Detroit. — Pontiac decided to make a grand effort to throw off the yoke of the intruders. He secured the alliance of a number of tribes, and early in 1763 was ready for action. His plan included attacks upon all the outposts of the English even as far east as Niagara. The plot for surprising Detroit was a shrewd one. The Indians, with their guns hidden beneath their blankets, were to repair to the fort and demand a council. This being granted, upon a given signal from Pontiac, the braves were to draw their rifles and attack the unsuspecting garrison. Providentially, the plot was disclosed to the English by a young squaw, who seems to

have taken an interest in the commander. Upon coming to the council, Pontiac discovered that he had been foiled, and he was at last compelled to order an attack upon the fortress from without. Beaten in their assault, the Indians held the town in a state of siege for months. Not until the middle of the next summer (1764) was the weary garrison relieved by the arrival of ample reinforcements from the east.[1]

Mackinaw. — At other posts in the west the Englishmen had been surprised and had felt the fury of the Indian hatred. The romantic story of the massacre at Michilimacinac[2] has been often told, and is one of the most dramatic and terrible episodes in the long history of border warfare.

The Indians' Last Effort. — The length and bitterness of this contest mark the power and earnestness of Pontiac. This was the last great spontaneous effort of the Indians to throw off the English domination. Pontiac's ambition was gone. "His hope of seeing the empire of France restored in America was scattered to the winds, and with it vanished every rational scheme of resistance to English encroachment."[3]

[1] NOTE. — Teachers will find interesting accounts of this great conspiracy in Cooley's "Michigan," p. 54 fl., and in Parkman's "Conspiracy of Pontiac."

[2] Now spelled Mackinaw.

[3] Parkman's "Conspiracy of Pontiac," p. 566.

CHAPTER III.

THE REVOLUTIONARY WAR.

The Northwest. — As long as the French held so much of the American continent, they were the ever present rivals of the English. Now that they had been overpowered, England was beyond all doubt the greatest of maritime and colonial powers. But, free from rivalry and drunk with her own glory, she began the taxation of her colonies. The result was the Declaration of Independence and the American Revolution. We are interested here chiefly in the fate of the western country. We must remember that the colonists had scarcely any hold upon it. A few pioneers had struggled over the Alleghanies into Kentucky and Tennessee, but in the northwest the old French settlements were simply held by English garrisons. The thriftless voyageurs or the happy-go-lucky French farmers took no interest in a struggle over taxation or political privileges. To them the Revolution was a mystery. Unless the Americans could occupy the country, even if they should be successful in the war, there would be no ground for claiming a boundary north of the Ohio. But, as we shall see, largely through the zeal and energy of one man, the United States was able to lay claim to all the territory north of the Spanish Floridas and south of the Great Lakes.

Lieutenant-Governor Hamilton. — At the outbreak of the Revolution the British commander at Detroit was Colonel Henry Hamilton. His position was favorable for influencing the Indians, and he entered upon the task with great zest and unbecoming vigor. In the French and Indian war both the contending nations had made use of the savages when they could obtain their services. Now the English began to seek their aid, and the American Congress was ready to use a small force. Hamilton, by offering rewards for scalps, won for himself the title of "hair-buyer." From his post at Detroit he planned expeditions against the outlying settlements of Pennsylvania and Kentucky, and prompted the horrible attacks on the scattered settlers along the Ohio. The amount of rum which bought the aid of Indians was prodigious. It was measured out by the thousand gallons. Detroit was the scene of great activity through the whole war. Often it was aroused by the death whoop of the returning war bands, which announced success and the number of the slain; riot and drunken debauchery followed, when the braves were paid for the scalps they had brought back. These atrocities encouraged some of the settlers of Kentucky to make an attack upon the English garrisons in the northwest. Kentucky was then considered part of Virginia.

Clark's Expedition. — In 1778, George Rogers Clark, with a small band of about one hundred and eighty men, marched across the country and seized Kaskaskia, an old settlement in what is now the state of Illinois. Other posts soon surrendered to the Americans. Hamilton, however, marching from Detroit to Vincennes,[1] took

[1] In what is now Indiana.

possession of that town and seemed for the moment to have put a stop to Clark's successful career. But the brave Virginians were not thus to be outdone. Clark immediately started on a long march across the country. The time was the middle of winter. Part of the way was over low lands which had been flooded by recent rains, and the soldiers marched through water that was often as high as their necks. This was a memorable expedition. Upon its result depended, in all likelihood, the ownership of the vast territory which now forms five American states. The men kept up their courage in spite of the hardships. "The drummer of the party was a jovial little Irishman, with a rich voice and a memory well stored with comic songs. When the men were wading through mud and water, Colonel Clark would seat the drummer on his drum, on which he floated and sang, keeping up the spirits of the men with his lively melodies."[1] Vincennes surrendered and Hamilton himself was captured.

The Northwest American. — Clark was desirous of attacking Detroit, but was not enabled to do so. Nevertheless, the northwest had practically passed into the hands of the Americans, and by the treaty of 1783, which closed the war, the boundary of the United States was fixed at the Mississippi on the west and the Great Lakes on the north. Michigan was American territory.

The British Retain the Northwest. — Not until thirteen years after the treaty was signed did the English give up Detroit. We can discover several reasons for this. In the first place they were loath to give up more than they were compelled to, and thus disliked to ac-

[1] Farmer's "History of Detroit and Michigan," p. 52.

knowledge fully that our country had won her independence even from petty annoyances. Moreover, if the western posts were retained, the English were assured of a continuing influence over the Indians, and in case of another war these savage allies would be useful. The English long persisted in the hope that the revolted colonies would be unable to form a strong general government or to live side by side in harmony; and, in case of a war between the states, it was thought that some would seek the protection of the mother country, and perhaps all would be so weak that they could easily be brought into submission. We need not conceal from ourselves that there was some basis for such hope. Until our Constitution was adopted, the fate of the American nation seemed trembling in the balance. Beyond all, England was unwilling to renounce her last hold on the country until she had her full rights under the treaty, — and this, for some time, America seemed unable to give. The chief source of annoyance arose from the fact that the states, in a selfish, domineering way, did not offer English merchants a fair chance to collect their debts by suits in the state courts. Michigan remained, therefore, in the hands of the English until the two countries came to a settlement of their difficulties.

Indian War. — The Indians who had sided with England in the late war continued to threaten the American settlements on the frontier. They claimed all the land north of the Ohio and insisted that the Americans must not trespass upon this territory. They seem to have been encouraged in their claims by some of the English commanders. It was at least evident that, so long as

the English retained possession of Detroit, the task of overcoming the Indians was a difficult one. By 1790, there were settlements of importance across the mountains in the Ohio valley, and the Americans of the eastern states were only awaiting assurance of safety to make their way in numbers into the new country. Failing at last in all efforts at conciliation, our government tried to force the Indians to cease their annoyances. Two armies, which were sent out for this purpose, were completely routed, and the savages were more insolent and terrible than ever. Not till General Wayne, in 1794, met and defeated them, almost under the guns of a new British fort which had been built upon the Maumee, was the northwest really thrown open for American settlers.

Jay's Treaty. — President Washington sent John Jay to England to try to come to an agreement on the matters in dispute between the two countries. This he succeeded in doing. By the terms of his treaty the western posts were to be given up June 1, 1796. On July 11, 1796, the American flag for the first time floated over the soil of Michigan. Two great powers had claimed and in turn had possessed Detroit and the outlying settlements. Now the third took control, and American laws were extended to the line of the Great Lakes. Thus it may be said that the Revolution was not made complete in Michigan till twenty years after the Declaration of Independence.

CHAPTER IV.

THE ORGANIZATION OF THE NORTHWEST.

The Land Cessions. — Even before the end of the Revolutionary war, and before it was determined whether or not England would relinquish her claim to the land between the Alleghany Mountains and the Mississippi, there was considerable rivalry between the different states about the ownership of this territory. Virginia claimed not only the country that is now Kentucky, but insisted also that both because of her charter from King James and the conquest of Clark the territory north of the Ohio was rightfully hers.

On the other hand New York laid claim to it, while Massachusetts and Connecticut maintained that they had rights in strips of this territory lying directly west of them and extending through to the Mississippi. Fortunately a spirit of generous patriotism finally overcame these selfish disputes, and all the states ceded to Congress for the benefit of the United States their interests or titles in the territory. Connecticut retained her claim to a portion of country south of Lake Erie, a section which in consequence became known as the Western Reserve of Connecticut.

Ordinance of 1787. — It was desirable to form some sort of government for this territory, to lay down at least general propositions which would show the rela-

tions between the general government and this newly acquired province. The fundamental Ordinance, as finally adopted by the Congress of the Confederation July 13, 1787, is one of the most important documents of our history. It is a monument of wise statesmanship. The free and vigorous life of the old northwest owes much to the liberality of this fundamental law. So carefully was it framed, so wise and judicious were its leading principles, that it has proved in many ways a model for the regulation of territories, and it has moulded the history of the whole west and influenced the political thought of our country. The people of Michigan may well consider it their primary constitution; for upon this foundation we rose to statehood and by it our political life has been largely shaped. "I doubt," said Webster, "whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787." Bancroft declares that it influenced the "character and destiny of the United States," and says that its passage was a "fact, sublime and humane and eventful in the history of mankind."

Slavery Forbidden. — The truth of such eulogies as these may be seen from even a hurried study of the Ordinance.[1] The most famous portion is the sixth clause, a part of which reads as follows: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted."

[1] The teacher will find it profitable to spend some time in studying this Ordinance with the class. Copies can be obtained without much difficulty. The Ordinance is published in cheap form in the Old South Leaflets.

These words dedicated the northwest to freedom. When the hour of trial came and the slaveholding states attempted to secede, the free northwest stood ready to battle for the Union and to help wipe out the curse of slavery from the land. The wonderful growth and prosperity of the country are due in no small degree to this famous prohibition. Foreign immigrants who came to the New World to win their way to comfort would not seek homes in states where the laborer was a slave and labor degrading, and so nearly the whole tide of immigration flowed into the country north of the Ohio.

Other Provisions. — The broad and generous educational system of Michigan no doubt takes its rise in the third clause of the Ordinance: "Religion, morality, and knowledge being necessary to good government, and the happiness of mankind, schools and the means of education shall forever be encouraged." This clause has been of enormous influence in directing the energies of the people toward the support of free schools. Another clause declared that not less than three nor more than five states should be formed from the territory, and that these states could be admitted to the Union with republican constitutions whenever they had sixty thousand inhabitants. Thus it will be seen that before the Constitution of the United States was framed in full this Ordinance mapped out the policy to be followed toward territories, indicating that they should not be held as colonies, but should be given the right of self-government as members of the American Union. The Ordinance also outlined great principles of civil liberty, and these were a constant source of education to the people of the territory. They served as guides to

liberal government and good law when state constitutions were forming. Not of least importance was the fact that this wise Ordinance emphatically stated that the territory and states that might be formed from it must remain forever a portion of the American Union and obedient to its laws. Moreover, any intolerant policy that might spring from state selfishness was condemned, for the highways of commerce, the great navigable waters, must be left freely open for all citizens of the United States.

CHAPTER V.

MICHIGAN BEFORE THE WAR OF 1812.

The Organization of the Territory. — The northwest territory remained undivided until 1800. At that time it was divided into two portions, the western one being called Indiana, and the eastern the northwest territory. The dividing line ran from the mouth of the Kentucky River nearly due north through the middle of the lower peninsula of Michigan. In 1802 Ohio formed a state constitution, and all of what is now Michigan became a part of Indiana territory. By an act of Congress passed January 11, 1805, and to take effect June 30, Michigan was formed as a separate territory. It was to include all of Indiana north of a line drawn east from the southern end of Lake Michigan until it intersects Lake Erie and east of a line drawn from the southern end of Lake Michigan through

the middle of the lake to its northern end, and then north to the northern boundary of the United States. These were the legal limits of Michigan for a number of years. But we may anticipate a little by saying that from 1818, when Illinois was admitted to the Union, till the time when Michigan was admitted to the Union (1837), Michigan territory included all the land north of Illinois and east of the Mississippi, embracing therefore the northern peninsula, Wisconsin, and the northeastern part of Minnesota. Between 1834 and 1836 the western limit of the territory was the Missouri River, the southwestern boundary being the southern line of Iowa. Thus we see that Michigan territory had many forms and sizes before the state was created with its present limits.

Description of the Territory. — At the beginning of this century the inhabitants of Michigan were nearly all French. A few Scotch and English had settled in Detroit, but the French language and French customs and ideas prevailed. The Americans came in slowly. To the people of the Atlantic coast Detroit seemed a long way off. Few persons at that time had any conception of the importance of the acquisition of the northwest from England, and not until the century was well advanced was there any great migration into Michigan from the eastern states.

The territory had improved but little, though it had now been settled a hundred years. The great virgin forest still hemmed in the people to the river bank, along which they had settled. There was a settlement, a poor affair, at Frenchtown,[1] and long, narrow farms

[1] Where Monroe now stands.

stretched back from the river below and above Detroit. There were no roads to the interior save the winding Indian trails. When the American did come at last to make his solitary home in the oak openings, or to cut his clearing out of the forest, he found few more aids to travel than he would have found had he been brought to the shores of Michigan by the "Griffin" one hundred and fifty years before.

Detroit Burned. — Detroit was a small place, mostly gathered within a snug stockade. Narrow streets, from twelve to twenty feet in width, sloped to the river, and were lined with the houses of the sociable Frenchmen.[1] There were, perhaps, some two hundred houses crowded within the pickets. They were built of oak or cedar logs and with stone chimneys. In 1805 a fire broke out and completely destroyed the town, leaving but one house standing. Because of this fire it was possible to lay out the city anew on a more liberal plan. Broad avenues took the places of the narrow streets, and finally Judge Woodward's cobweb plan was put into effect, a veritable snare for the feet of the unwary stranger.

Form of Government. — The first form of territorial government was outlined in the Ordinance. It consisted of a governor, a secretary who performed the duties of the governor in the latter's absence, and, lastly, three judges who constituted the judicial department. All were appointed by the president. The legislative department was made up of the governor and judges.

[1] For a picture of the life of the French farmers of early Michigan, see Cooley's "Michigan," p. 233 fl.; McLaughlin's "Lewis Cass," Chap. I.; Hubbard's "Memorials of a Half Century," p. 117.

The government, therefore, did not spring from the people of the territory, but was given them by the United States government.

Governor Hull's Administration. — The first governor of the territory was William Hull (1805–1813). His administration was not a successful one in all respects. There was a great deal of quarreling between the governor and one or two of the judges. Moreover, from about 1807 on, there was some uneasiness caused by the restlessness of the Indians, who had never felt any friendliness toward the Americans. They were still influenced by the presents and blandishments of the British. As our country and England were evidently drifting into war, the Indians became more openly hostile. In case of a war the situation at Detroit was very perilous.

CHAPTER VI.

THE WAR OF 1812.

Tecumseh. — A noted chieftain, fit to rank by the side of Pontiac for ability and generalship, had for some time been preparing a great confederacy of tribes to resist the encroachments of the Americans. The Indians were defeated in the battle of Tippecanoe (1811) and Tecumseh's hopes seemed shattered; but when war broke out the next year between England and the United States, he was ready to join the English with a large force.

The Surrender of Detroit. — Detroit was separated from the settlements in Ohio by about two hundred miles of uninhabited forests. The British had a fort on the Canadian side of the Detroit River. As war was imminent, Governor Hull was given command of a force in Ohio, and he marched to the protection of Detroit. Before he reached his destination war had been declared against Great Britain (June, 1812). Hull almost immediately crossed the river, and for a time seemed to be in a condition to hold western Canada with his troops. But he soon lost heart in the enterprise and crossed back to Detroit. The British fort at Malden had an advantageous position, and its garrison was strengthened by troops from Lower Canada under the command of Isaac Brock. This general acted with great vigor and boldness. On the sixteenth of August he caused his army to be transported to the American side of the river. He then marched upon Detroit. Hull surrendered the place without striking a blow or firing a gun in its defence.

Criticism of Hull's Action. — Hull's conduct has been severely criticised. Many persons at the time charged him with treason. A court-martial which met at Albany found him guilty of cowardice and unofficer-like conduct. He was sentenced to be shot, but the president pardoned him. Few who have studied the situation now think that he was guilty of treason, and some even think his action was justifiable. It seems reasonable, however, to believe that he was overcome by a sense of responsibility and by dread of the vengeance of the Indians. He certainly did not show true courage and manly bearing.

Detroit Taken. — An army from Kentucky, which came in the winter of 1813 to recapture Detroit, was

massacred at the river Raisin by the Indians. On September 10, Commodore Perry won his famous victory in the battle of Lake Erie. This gave the control of the western lakes to the Americans. The British, who had held Detroit since Hull's surrender, retreated into Canada, but were overtaken by the army of General Harrison and defeated at the battle of the Thames. Michigan was once more in the hands of the Americans.

Troubles from the Indians. — Although Michigan was no longer under the control of the British, there were still many perils to be encountered. The Indians were a continual menace to the settlements and for some time Detroit was almost in a state of siege. Many of the people, afraid to stay upon their farms, crowded into the town. It was a difficult matter to bring order out of the panic and to restore confidence. General Lewis Cass had been left by General Harrison in charge of the place, and he was soon (1813) made civil governor of Michigan. He succeeded finally in defeating and overawing the Indians, but at the close of the war the territory of Michigan was in a most distressed and pitiful condition.

Results of the War. — The people of the outlying settlements had been impoverished by the pillage and destruction. Many were reduced to want and almost to starvation. All the horrors of border warfare had been visited upon the unfortunate province. Aid was received from the general government, but only gradually did an air of prosperity take the place of the prevailing desolation.

CHAPTER VII.

DEVELOPMENT OF THE TERRITORY: ADMITTANCE TO THE UNION.

Development. — From this time on, however, the industrial development of the territory was continuous. The listless, happy-go-lucky French farmers, who tilled their small farms in contentment, knew nothing of scientific tillage. Their implements were crude and heavy. Their happiness seemed to crush out rivalry or ambition. As the Americans came into the territory, they brought their thrifty New England habits. Their well-made modern tools began to displace the mediæval tools of the Frenchmen, who long, however, clung to their simple methods of life. American enterprise slowly made headway in changing the province into a prosperous, vigorous state.

The French Farmers. — Even fifteen years after the war, Detroit and its vicinity were strongly French. Below and above the town for miles the river was lined with farms, each having its own water frontage and stretching back in a long, narrow ribbon of land. Big apple trees and giant pear trees crowded the slender farms. Old-fashioned houses, with steep roofs and dormer-windows, gave a quaint and curious aspect. The Frenchman remained contentedly on his little homestead, looking with some amazement upon the pushing

Yankee trader or the farmer who made his way into the forest to hew out a clearing and build a home.

Changes in Government. — In 1819, Michigan was given the privilege of sending a delegate to Congress. Until 1823 the legislative power was vested in the governor and judges. In that year Congress passed a law transferring this power to the governor and a council of nine. The members of the council were selected by the president and confirmed by the senate out of eighteen elected by the people of the territory. Two years later the number in the council was increased to thirteen, and in 1827 the people were allowed to choose all its members without restriction. The judicial system of the territory also was altered from time to time to meet the growing needs of the people. General Cass remained governor until the middle of 1831.

The Work of Governor Cass. — The second governor of Michigan did a great work in building up the territory. He studied the character of the Indians and was wonderfully successful in controlling them and in holding their confidence. He entered into nearly a score of treaties with them and secured, for our government, title to a very large portion of the northwest. He explored the territory and endeavored to make its attractions known to the people of the east. Moreover, he was desirous of introducing local self-government, and he encouraged the people to participate in the political affairs of the territory. During his administration a number of counties were formed and preparation was thus made for the later political organization of the state. "Permanent American settlement may be said to have begun with him; and it was a great and lasting

boon to Michigan when it was given a governor at once so able, so patriotic, so attentive to his duties, and so worthy in his public and private life of respect and esteem."[1] By the end of his administration Michigan was forging rapidly ahead.

Growth of the State. — In 1818 the first steamboat, "Walk-in-the-Water," appeared at Detroit. By the opening of the Erie Canal (1825) an easy means of communication was given with the east, and the territory was rapidly peopled, largely by hardy New Englanders and New York people. Especially between 1830 and 1838 was Michigan settled by people from the eastern states. Those were the years when all over the country there was great interest in the development of the new west. The character of the immigration into Michigan during these years permanently influenced the development of the state and shaped its political institutions.

Admittance of the State. — By the Ordinance of 1787 a territory with sixty thousand inhabitants had the right to be admitted as a state into the Union. Michigan[2] (1835) began earnestly to demand that privilege. A boundary controversy with Ohio now arose. Michigan claimed that the line dividing her territory from that of Ohio was one drawn direct from the southern end of Lake Michigan until it intersected Lake Erie. Such was the division of the northwest contemplated by the Ordinance. Ohio claimed, however, that Congress had, upon her admission to the Union, recognized a boundary farther to the north, including the mouth of the

[1] Cooley's "Michigan," p. 204.

[2] A census taken in 1834 showed over eighty-five thousand people.

Maumee and the town of Toledo. At one time there seemed danger of war between the two states. Each ordered out its militia to protect its interests. A compromise was, however, suggested by Congress and accepted by the people of Michigan. The state was to be admitted to the Union with limits which included the northern peninsula. In exchange for the addition of this large portion of territory, all claim was to be surrendered to the Toledo strip. The people after some hesitation accepted the terms and Michigan was admitted to the Union January 26, 1837.

The Constitution. — The constitution of the new state was a simple one. It began with a clear statement of fundamental rights, declaring that all political power was inherent in the people. It established the right of trial by jury and guaranteed the recognition of the great principles of liberty. Three departments of government were created — executive, legislative, and judicial. The governor was given great power in comparison with that granted by some of the earlier constitutions. With the advice and consent of the senate he could appoint the judges of the *supreme court* and other important state officers. The state treasurer was elected by a joint vote of the two houses of the legislature. Provision was made for schools and education on a broad and generous basis.

Elements in the Life of the State. — Reference has already been made to the great number of French in Michigan and also to the fact that, in its later years as a territory, the immigrants were largely from New York and New England. No other state in the Union perhaps has been so largely populated from these sections.

The New Englanders naturally brought with them their regard for local self-government. They had been accustomed to regulate their own local affairs in the town meetings, and therefore town government came into existence in Michigan as a matter of course. These primary assemblies of the people have been of great value as nurseries of liberty and schools for political training and political thought. Jefferson said that towns had "proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation." At the outset, then, and even before the constitution was adopted, the people in the little settlements throughout the state began to manage the business of their localities and did not wait to be directed by the state government.

CHAPTER VIII.

HISTORY SINCE ADMITTANCE TO THE UNION: ANALYSIS OF THE CONSTITUTION.

Financial Conditions. — In order to understand the history of Michigan and appreciate its development, we ought to see its condition and know the trials that beset it soon after its admittance to the Union. Between 1830 and 1837 the people of the whole Union seemed bewitched with a longing to invest in the wild lands belonging to the national government. At the same time there was the great zeal throughout all the west for internal improvements — for canals and rail-

roads. The people had a vision of prosperity, and with reckless enthusiasm entered upon vast schemes of improvement, as if in a moment the wilderness was to be transformed into the habitations of man. Recklessness and extravagance brought upon the states an immense load of debt. None suffered from this more than Michigan. The panic came in 1837. The people realized that they had been building air castles, but discovered that the debt incurred was a dire actuality. The state struggled along under this burden and only slowly raised itself to prosperity. The lessons of these reckless investments were well learned. The first constitution made it obligatory on the legislature to encourage internal improvements. When it was found necessary to revise the constitution (1850) the legislature was forbidden to give money for such purposes.

Michigan and Slavery. — Michigan, as a portion of the old northwest, was never cursed by slavery.[1] The people, therefore, soon found their way to the right side when the inevitable conflict between freedom and slavery came on. For a short time after the passing of the Compromise of 1850, the north seemed satisfied that the great question was settled. But there was a feeling of uneasiness; and when the Missouri Compromise was repealed (1854), and the Southerner was allowed to carry his human chattels into all the national territory beyond the Mississippi, the north was awak-

[1] In the early French days there were a few Indians, and perhaps a few negroes, held as slaves. Later, in 1830, a census disclosed the fact that there were thirty-two slaves in the territory. This was merely accidental or exceptional, however, and when Michigan came into the Union there was probably not a bondman in the state.

ened to the danger. Michigan led the way by the formation of the Republican party at Jackson, July 6, 1854. The main tenet of the party was opposition to the spread of slavery. During the war of the Rebellion, Michigan was strongly loyal. Over ninety thousand soldiers were furnished to the Union army, and of these over fourteen thousand gave up their lives for their country.

The Capital. — The first constitution declared that the seat of government should be at Detroit, or at such other place or places as might be prescribed by law, until the year 1847, when the legislature should fix upon a permanent location. When that time came, there was much discussion and difficulty in reaching an agreement. Finally, in accord with a suggestion that the geographical center of the state be selected without reference to importance of towns then existing, Lansing was chosen as the permanent capital.

Constitutional Conventions. — A convention for revising the original state constitution met at Lansing in 1850. A constitution which differed from the old one in a number of particulars was agreed upon. Being ratified by the people, it went into effect January 1, 1851. With various alterations and additions by amendment, it has remained the fundamental law of the state until the present. A third convention was held in 1867, but the people did not accept the result of its labors. In 1873 a constitutional commission met and made sundry proposals for amendment and revision, but the people rejected these recommendations. There was seemingly a feeling that a commission, appointed by the governor at the direction of the legislature, ought not to attempt to make any radical revision of the con-

stitution; that such work belonged to representatives directly chosen for that purpose by the voters.

Amendments. — Amendments to the constitution have been made at various times, but they have not materially altered the frame of the government or added to the duties of its officials. The original constitution fixed the salary to be received by the state officers. The sums mentioned were so low that some changes have been made necessary. In 1870 the constitution was so altered that negroes were given equal privileges with white persons. By an amendment adopted in 1876 there was stricken from the constitution a clause prohibiting the legislature from authorizing the grant of license for the sale of liquor. The other amendments need not be given here in detail.

Nature of State Constitution. — "A State Constitution," says Mr. Bryce, "is really nothing but a law made directly by the people voting at the polls upon a draft submitted to them. . . . Hence the enactment of a constitution is an exercise of direct popular sovereignty to which we find few parallels in Modern Europe."[1] There has been an evident tendency in our history to extend the scope of state constitutions. Instead of including the mere general outline of government, many constitutions enter into various details that might properly be subjects of legislation by the governments established under the constitution. This tendency has undoubtedly come from a feeling that the people are more to be trusted than any of their agents.

The constitution of Michigan is conservative and moderate; but the one adopted in 1850 is just twice as

[1] "American Commonwealth," Vol. I., Am. Ed., p. 421.

long as the first constitution of the state. In some particulars, it entered somewhat needlessly into the field of ordinary legislation. When Michigan was admitted the state was on the frontier. It was poor. Its inhabitants were thrifty farmers who, by dint of toil and industry, were beginning to have comfortable homes. They believed in economical government and simplicity. The constitution of 1850 declared what salaries should be received by certain state officials. The governor, for instance, was to receive only one thousand dollars; circuit judges were to receive fifteen hundred. The whole scale established was low even for that time. Since the Rebellion the conditions of life have materially altered, yet only perseverance secured amendments to the constitution increasing the salaries of these officers. Money is a changeable thing in its purchasing power, and it seems undesirable that salaries should be permanently fixed by constitutional enactments. Nothing can be more economical than the securing of the best possible judges; but it is hard to get lawyers, that are well equipped in their profession, to accept judicial positions which bring them in less than their ordinary practice. And yet these simple and economical standards, established thus early, undoubtedly had certain beneficial effects in keeping "alive ideas of economy and frugality in official circles."[1] These facts illustrate what has been said above as to the tendency to legislate in the constitution. Such legislation is democratic rather than representative, and, while not entirely wise, is an encouraging proof of the confidence of the people in themselves and faith in their own honesty and political sense.

[1] Cooley's "Michigan," p. 303.

Analysis of the Constitution. — The constitution of Michigan, not including its amendments, is divided into twenty articles. These may be roughly grouped as follows: (*a*) The definition of the boundaries of the state. (*b*) The frame of government; giving the name, duties, and powers of the different officers and departments of government. (*c*) Sundry provisions concerning elections, the organization of counties and townships, education, militia, etc. (*d*) An article entitled miscellaneous provisions, which includes many restrictions upon legislative activity, which are in the nature of guarantees of civil liberty. Other guarantees of this kind are found in other clauses. There is no separate article which might be called a bill of rights, such as we find in many state constitutions. To these twenty articles must be added the schedule. This is of a temporary nature. It marks out the method of submitting the constitution to the people for their adoption or rejection, and the manner of putting it into operation if adopted.

Division of the Powers. — At the time the constitution of the United States was adopted, it was considered an axiom in political science that liberty was best preserved by the division and separation of the powers of government. Following the example of the nation, therefore, the various states have carefully separated the government into three departments, each with its appropriate powers. It is a fundamental proposition in the Michigan constitution that "no person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided." The departments are the legislative, executive, and judicial.

CHAPTER IX.

THE LEGISLATIVE DEPARTMENT.

General Provisions. — The legislative power is vested in a senate and house of representatives. The members are elected every two years on the first Tuesday after the first Monday in November. They meet in Lansing on the first Wednesday in January following their election. The governor may convene them on extraordinary occasions. Each member is entitled to a compensation of three dollars per day and mileage of ten cents per mile. Members from the upper peninsula may be paid two dollars per day in addition. Each house has the right of determining the rules of its procedure and the election and qualifications of its members. A bill may originate in either house.

The Senate. — The senate consists of thirty-two members. The state is divided into senatorial districts in the first session after each census taken by the United States, and also after each state census.[1] Each district elects one senator. The senate sits as a court of impeachment to determine the guilt or innocence of officers accused of corrupt conduct in office or of crime and misdemeanors. Whenever a vacancy occurs in any of the state offices, the governor fills by appointment

[1] The national census is taken at the end of every decade and the state census four years later. The last state census was taken in 1884.

with advice and consent of the senate, if in session. With these exceptions the duties of the senate are merely legislative.

House of Representatives. — In the lower house, as the house of representatives is frequently called, there are at present one hundred members. The constitution simply states that the members shall consist of not less than sixty-four nor more than one hundred. Representatives, like senators, are chosen in separate districts, outlined at the same time as the senatorial districts. If a county is entitled to more than one representative, the board of supervisors has the authority to make the division. The house has the sole power of impeaching civil officers. The trial is conducted before the senate by a committee of three prosecutors, selected by the representatives from their number.

Third Branch of the Legislature. — The constitution declares that legislative power is vested in a senate and a house of representatives. Yet evidently there is a third branch of the legislature with great power in the making of laws, though a power not equal to that of the other two branches.[1] It is the governor's duty to sign a bill or to return it with his objections to the house in which it originated. The refusal to sign and the return of the bill constitute a qualified veto, and it requires a two-thirds vote of each house to establish a law without the signature of the governor. The governor has no power of initiation, — *i.e.* he cannot begin law-making, — but he plays a very considerable part before the work is finished. If the governor does not

[1] The constitution of the United States even says that all legislative power is vested in Congress, and yet gives the president a share.

sign or veto a bill within ten days from the time it reaches him, it becomes a law without his signature, unless the legislature by adjournment prevents its return. Any bill coming to the governor in the last five days of the session may be signed by him five days after adjournment.

Restrictions. — There are various restrictions upon the actions of the legislature, most of them intended to secure methodical and careful procedure and freedom from tyrannical action. Some of them are as follows: No new bill may be introduced after the first fifty days of the session, and no law may embrace more than one object, which must be expressed in the title. All laws are to be published. No private bill can be audited or allowed. All private corporations must be formed under general laws and not by special statute. This last provision is to guard against corruption and bribery, and is now commonly found in state constitutions. No money may be appropriated from the treasury for religious purposes, nor may the legislature enlarge or diminish the civil or political privileges of any one on account of his religious belief. No lottery may be established. Liberty of speech and of the press must not be abridged by legislation.

There are included in various articles in the constitution a number of affirmative declarations, which actually restrain or direct legislation. The following are perhaps the most important examples. The constitution establishes the amount of property which shall be considered exempt from sale on execution or other final process from a court. Personal property to the amount of five hundred dollars is thus exempted. Moreover, a

debtor is in like manner protected in possession of forty acres, or a house and lot in a city or village, not exceeding fifteen hundred dollars in value. The stockholders of all corporations are individually liable for all labor performed for the corporation. The legislature is directed, in providing for the incorporation of cities and villages, to restrict their power of taxation and of borrowing money.

Officers of the House. — The house selects a speaker from its own members. He presides over the house. The other officers are clerk, journal clerk, corresponding clerk, engrossing and enrolling clerk, assistant engrossing and enrolling clerk, sergeant-at-arms. The last officer has two assistants.

Of the Senate. — The lieutenant-governor is presiding officer of the senate. The other officers are similar to those of the house, though not identical. The clerk of the senate is known as the secretary, and he has one assistant.

Committees. — It has been said that Americans are not governed by a Congress or a Parliament, but by committees.[1] Certainly the committee system is of great importance in our method of government in

[1] Some of the important committees are ways and means, municipal corporations, judiciary, railroads, private corporations, insurance, manufactures, agriculture. There are also several committees each of which has for its special duty to look into the needs of some state institution and prepare and report a bill appropriating the needful funds. Thus, in both the senate and the house, there are committees on the Agricultural College, on the University, on the Normal School, etc. The house committees, as a rule, are composed of five persons. Some, such as the committee on ways and means, have seven. In the senate there is no committee on ways and means, but a committee on finance and appropriations. The usual number of a senate committee is three, though some have five.

NOTE. — The teacher interested in the committee system and its meaning will find interesting discussions in Bryce's "American Commonwealth," Vol. I., p. 150 fl., and in Woodrow Wilson's "Congressional Government."

nation and state. It has been adopted in every state in the Union. The Michigan house had in the session of 1891–92 fifty-three committees whose duties covered nearly every conceivable subject of legislation. In the senate there were fifty.

CHAPTER X.

THE EXECUTIVE DEPARTMENT.

Relations between Departments. — The constitution of Michigan is liberal in its grant of executive power. Even the first constitution gave the governor nearly as much power as the present. In the development of state constitutions throughout the country in the past hundred years, there has been a tendency to increase the authority of the executive, and to limit the legislative department by restraints which are in the nature of special legislation by the people. Neither of the two constitutions of Michigan has been extreme in these respects. The first, however, when compared with the older states, shows that Michigan had felt that tendency and responded to it. The one adopted in 1850 accentuates this characteristic slightly.

The Governor. — At the same time that members of the legislature are elected, the people also choose a governor and lieutenant-governor, who hold office for two years. It is the duty of the governor to see that the laws are faithfully executed, to convene the legislature on extraordinary occasions, and to give by mes-

sage information of the condition of the state. He is commander-in-chief of the militia and may call out the forces to suppress insurrections or repel invasions. He has power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment. To assist him in performing this last duty the legislature has established an advisory board, whose business it is to inquire into the cases of all convicts who may petition for pardon and report to the governor the results of its investigation. He has also the authority to issue writs of election to fill vacancies in the legislature. It is his duty to examine into the condition of public offices, and he has authority to remove all derelict state officers, except legislative and judicial. He can, in case of such removal, appoint a successor to the person so removed for the remainder of the unexpired term. Pursuant to the suggestions of the constitution, the legislature has laid down methods for displacing township and county officers, and has bestowed upon the governor the duty to make investigation in cases of alleged misconduct and to remove the person so accused if charges are substantiated by proper evidence.

The governor has the prerogative of appointing a number of officers to positions on boards and commissions that have been created by the legislature for the administration of state affairs. These will be mentioned in a succeeding chapter.

The Lieutenant-Governor. — The duty of the lieutenant-governor is to preside over the senate. He has the deciding vote in case of a tie. He performs the duties of governor if the latter is removed from office, dies, or

for any reason is unable to act. Should the lieutenant-governor, during such a vacancy in the office of governor, be unable to act, the president *pro tempore* of the senate succeeds to the duties and emoluments of the office.

Restraints upon Appointment. — The power of appointment granted to the executive is almost unlimited, but there are two restraints that deserve mention. "No person elected a member of legislature shall receive any appointment within this state, or to the Senate of the United States from the governor, the governor and Senate, from the legislature, or any other state authority, during the term for which he is elected."[1] Moreover, "no person elected governor or lieutenant-governor shall be eligible to any office or appointment from the legislature." These restrictions are intended to remove the temptation of using public office for private profit.

Other Executive Officers. — The people also elect at the general autumn elections a secretary of state, a superintendent of public instruction, state treasurer, a commissioner of the land office, an auditor-general and an attorney-general. The term of office is two years. Their duties are prescribed by law. They do not form a cabinet for the governor, but he is authorized to require of them information in writing touching the affairs of their respective offices. The ordinary duties which these officers are called upon to perform are suggested by the titles given.

[1] It is now held that this restraint, as far as it applies to United States senator, is void. It is not within the competence of a state to define the qualifications for such an officer.

CHAPTER XI.

JUDICIAL POWER.

The Courts. — "The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the legislature in cities." (Constitution, Art. VI., Sec. I.)

The Supreme Court. — The supreme court now consists of four associates and one chief justice. One new member is elected by the people every two years and the term of office is ten years. The judge whose term soonest expires acts as chief justice. For a number of years there were only four judges in the court; but an even number may be evenly divided and a tie may then result. In 1887, therefore, the legislature fixed the number at five. At the same time the term of office was lengthened from eight to ten years. The jurisdiction of the court is almost entirely confined to hearing appeals from circuit courts. It has a general superintendence over all inferior courts and has authority to establish general rules governing the practice in the various courts of the state.

Circuit Courts. — The state is divided by the legislature into judicial circuits, in each of which the people elect one circuit judge, who holds office for six years. The circuit court, over which the judge presides, has

original jurisdiction[1] in all civil suits where the amount involved is more than one hundred dollars.

It also has a general jurisdiction over criminal offences. The legislature has authority to bestow exclusive or concurrent jurisdiction upon other tribunals and has done so in a few instances. The clerk of each county is the clerk of the circuit court for that county. It is his duty to keep a careful record of the work and judgments of the court.

Court of Chancery. — The circuit courts are also courts of chancery. Each circuit judge is a judge in chancery. In this capacity it is his duty to dispense justice and equity according to the rules and principles of equity which have grown up by the side of the common law and are supposed to give relief where the law, because of its universality or rigidity, could give no relief to a petitioner. The constitution deprecates the distinction between law and equity. But Michigan is one of the few states that still cling to the distinction.

Justice Courts. — There are four justices of the peace in each township. The term of office is four years. Cities have under the general law four justices. Each one of these officers holds a court which has exclusive jurisdiction of civil suits involving one hundred dollars or less and has jurisdiction, concurrent with circuit court, of cases where the debt or damages do not exceed three hundred dollars. Some classes of cases, however, as, for instance, those involving the title to land, cannot be instituted before the justices. In these courts, are

[1] A court is said to have original jurisdiction when suits can be begun in it. It has appellate jurisdiction when a suit begun in another court is brought before it for review.

tried persons charged with inferior criminal offences. The justice also acts as an examining magistrate to determine whether or not a person accused of crime shall be held for trial before the circuit court.

Probate Courts. — The constitution provides for the establishment of these courts, but the duty of outlining their duties and general procedure lies with the legislature. There is one probate judge for each county. He is elected by the people and holds office for four years. The chief work of the court consists in looking after the settlement of the estates of deceased persons. If any one dies leaving a will which disposes of his property, such will must be presented to the probate court by any one who may have it in his custody. There the will is "probated," tested and proved, and either admitted to record as genuine or not accepted as the actual will of the deceased person. The court has general supervisory charge of the execution of the will. It is also its duty to appoint administrators to settle the estates of persons dying without wills, or, as the legal phrase is, intestate. Legal guardians of children are appointed by probate courts. Sanction is given by them to change of name either by adults, or by children in cases of adoption. In cases of dissatisfaction persons may appeal from the probate to the circuit court.

Municipal Courts. — The constitution gives authority to the legislature to establish municipal courts. In several instances this power has been exercised. For example, Grand Rapids has at present a superior court, a tribunal established to relieve the circuit court of a portion of its work. Its jurisdiction is of the same general nature as the circuit court, though not identical

with it. Detroit has, under its charter, a court known as the recorder's court. It has criminal jurisdiction only.

Other Officers. — The decisions of the supreme court are required to be in writing. They are collected and published under the direction of an officer appointed by the court and known as the reporter. There is also a clerk appointed by the judges. The legislature has, in accordance with authority granted by the constitution, provided for the election of a circuit court commissioner in each county. The more populous counties are authorized to elect two. The powers of these officers are similar to those which a judge possesses when out of court. One of their chief duties is the taking of testimony to be used in suits, and they have various functions of a semi-judicial character.

Restraints. — Article VI. of the constitution contains a number of express prohibitions upon the conduct of the courts. These are for the purpose of protecting citizens in their rights to civil liberty. For example, the right of trial by jury is guaranteed.

CHAPTER XII.

ADMINISTRATIVE MACHINERY: STATE MILITIA.

Penal and Charitable Institutions. — The state has taken upon itself the care of the poor and afflicted. Provision has also been made for the imprisonment of convicted criminals. Capital punishment is not inflicted in the state, and the punishment for all crimes is confinement. The several prisons and other institutions

were for some time under the general management of separate boards of inspectors or examiners. But in 1891 some of these separate boards were abolished and their duties given to central boards of control. The following list will show the state institutions for penal or charitable purposes and how they are managed: —

(1) State public school for dependent and neglected children.
(2) Michigan school for the blind.
(3) Michigan institution for educating the deaf and dumb.

These are under the management and control of the central board of control of state institutions, composed of four members.

(1) The state prison.
(2) The state house of correction and reformatory.
(3) The asylum for dangerous and criminal insane.
(4) The state house of correction and branch of state prison in upper peninsula.
(5) The reform school.
(6) The industrial home for girls.

These are under the control of a state board of inspectors composed of four members.

The soldiers' home is governed by a board of seven, composed of the governor and six members appointed by him.

(1) Michigan asylum for the insane.
(2) Eastern Michigan asylum for the insane.
(3) Northern Michigan asylum for the insane.

These are under the general direction of separate boards, each composed of six members appointed by the governor.

Governmental Boards. — There are several state boards whose duties are suggested by their titles. The following list includes only the more important ones :[1] —

(*a*) Some of the *ex officio* state boards.
  (1) Board of state auditors.
  (2) Board of control of state swamp lands.
  (3) State board of equalization.
  (4) Bureau of statistics of labor.

(*b*) Some of the miscellaneous state boards.
  (1) State board of corrections and charities.
  (2) State board of health.
  (3) Board of control of railroads.

Officers Appointed by the Governor. — The legislature has established at various times sundry offices, the duties of which are performed or are under the direction of a single person. Space will not allow an enumeration of all such officials nor an account of their duties. Their work is largely of an executive character. They take care that the state laws covering matters of which they have general oversight are obeyed. Thus, among these officials we find (1) the commissioner of insurance, (2) commissioner of railroads, (3) commissioner of labor, (4) state inspector of illuminating oils, (5) game and fish warden.

It is thus apparent that the legislature has adopted an elaborate system of boards and commissions, and in this manner the great purposes of government are obtained. We must remember that it is state law which ordinarily regulates and controls our actions, not national law; for the competence of the national government in

[1] I have left for a later chapter an account of the government of state educational institutions.

legislation is comparatively limited. The commissioners and boards given above partly represent the great field of political action occupied by the state.

"An American may, through a long life, never be reminded of the Federal Government, except when he votes at presidential elections, lodges a complaint against the post-office, and opens his trunks for a custom-house officer on the pier at New York when he returns from a tour in Europe. His direct taxes are paid to officials acting under State laws. The State, or a local authority constituted by State statutes, registers his birth, appoints his guardian, pays for his schooling, gives him a share in the estate of his father deceased, . . . marries him, divorces him, entertains civil actions against him, declares him a bankrupt, hangs him for murder. The police that guards his house, the local boards which look after the poor, control highways, impose water rates, manage schools — all these derive their legal powers from the State alone." — Bryce's "American Commonwealth," Vol. I., Am. Ed., pp. 411, 412.

State Military Organization. — The constitution of the state declares that the militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of the state. The governor is commander-in-chief of the military and naval forces.

The legislature has passed laws directing how the militia is to be governed in case it is called into service. Moreover, there is an active militia known as the Michigan State Troops. It is composed of volunteers between the ages above mentioned. These troops are thoroughly organized and officered. They are under the general direction of a state military board, a board of three persons appointed by the governor. It is the duty of this board to inspect, and report to the governor on all

estimates of expense, to audit accounts, and to issue articles and regulations, which, when approved by the commander-in-chief, are binding upon the troops. It has various other duties of an executive and advisory character.

Military Officers. — As organized at present the leading officers of the military department are: —

(1) Commander-in-chief.
(2) Adjutant-general.
(3) Assistant adjutant-general.
(4) Inspector-general.
(5) Quartermaster-general.
(6) Assistant quartermaster-general.
(7) Paymaster-general.

There are, in addition,

(1) Military secretary.
(2) Judge advocate.
(3) Four aids.

These officers compose the staff of the commander-in-chief. All of these officers are the governor's appointees. It is the duty of the adjutant-general to be a sort of secretary of war. He distributes all orders from the commander-in-chief and lays before his chief all communications which he may receive from the state board or other military officers. The inspector-general has charge and supervision of all military stores.

The Troops. — As now organized, there are four regiments composing one brigade. The total number of troops enrolled, including officers, is 2442.[1] The legislature in 1891 passed a law allowing the enrollment of forty companies. When that law was passed, there were thirty-six companies, the full quota then legal.

[1] 1891. "Michigan Manual," 1891, p. 507.

CHAPTER XIII.

COUNTY GOVERNMENT.

Organization. — Counties in Michigan date back to the early territorial period. The county of Wayne, as a division of the Northwest Territory, included more than what is now the state of Michigan. During Governor Cass's administration, counties were as rapidly formed as there seemed to be need of them. New counties are now occasionally made by the division of existing ones by an act of the legislature. A county exists largely for judicial and administrative purposes, not for legislative. There are now (1892) eighty-five counties in this state. The Michigan system of local government is similar to that of Massachusetts, inasmuch as the township exists and the town meetings also, and that in these small democracies local affairs are managed and local officers elected. But the Michigan system differs somewhat from that which prevails in Massachusetts. The county here is of more importance; in other words, there has been some tendency to adopt the New York system. The governing board of the county is composed of supervisors, one elected from each township. This body is of New York origin. In this state in early days the counties were governed as in Massachusetts, by commissioners, but the present plan has long prevailed.

Board of Supervisors. — On the first Monday in April of each year, each township elects a supervisor. As a rule each ward in a city is considered a township for such purposes. Collectively the supervisors have general control and care of the property of the county; they provide for the raising of money for defraying the current expenses of the county; they may "cause to be erected the necessary buildings for poor-houses, jails, clerk's offices, and other county buildings." The board has authority to lay out new roads, to make rules and regulations about the bridges and dams, and can permit or prohibit the making of such obstructions over navigable waters. The amount of salary which a county officer is to receive is fixed by the board unless it is otherwise determined by law. Provision for the poor of the county is one of the duties of the supervisors; they may build poor-houses and buy the land for poor-farms, and have the general oversight of the indigent who are unable to earn a livelihood.

County Officers. — All of the county officers, except the judge of probate, are elected for two years. They are chosen at the general election in the fall, and take office on the first day of January succeeding the election. The judge of probate holds office for four years. The treasurer and sheriff[1] are not entitled to hold office for more than four, in any period of six, years. All the officers of the county, except the prosecuting attorney, are required to give bond faithfully to perform their duties.

Treasurer. — It is the duty of the treasurer to receive and keep safely all the money belonging to the county.

[1] This disqualification, as far as it affects the sheriff, is a constitutional provision.

To him the supervisor of each township or the city treasurer pays over the amount of tax levied and collected in each township for county purposes. He keeps on hand also an account of delinquent taxes. He pays out money upon the order of the board of supervisors.

Prosecuting Attorney. — This officer's chief work consists in representing the interests of the state or the people in criminal prosecutions. Under our system of procedure, a person accused of crime is arrested upon a warrant issued by a justice of the peace. Before such justice there is a preliminary examination for the purpose of determining whether or not the person accused shall be held for trial before the circuit court. The public prosecutor may be present at this examination and endeavor to discover the probable guilt or innocence of the prisoner. If it be decided that there is good ground for trial, he appears in behalf of the people in the trial court. It is not his duty to attempt to convict every person accused of crime; he is expected impartially to examine the case and to look after the interests of the public, which include as much the release of the innocent as the punishment of the guilty. The prosecuting attorney is the legal adviser of county officers in civil suits, and represents the county or the state in any court in his county.

County Clerk. — The duties of this officer are manifold, and only a general outline can be given here. He is clerk of the board of supervisors and custodian of their records. He is clerk of the circuit court, and is the keeper of the county seal. With him are filed the pleadings and papers in suits at law and equity, articles

of incorporation and reports of associations, statements of marriage, of births, and of deaths. He has many other duties of a clerical nature.

The Sheriff. — The executive officer of the higher court of the county is the sheriff. He serves the process of the court and carries its writs into execution. The county jail and prisons therein are under his custody. During sessions of the circuit court, he or his deputies are expected to be present. He has charge of the jury, the members of which he summons to attend in accordance with the forms of law. He is responsible for the peace and good order of the county.

The Coroner. — This official, like the sheriff, we have borrowed from old English law.[1] It is his duty to hold inquests with the purpose of discovering the cause of death of persons supposed to have "come to their death suddenly or by violence." When the sheriff is an interested person in any cause, the coroner may serve writs and execute process of the courts. Each organized county in the state has two coroners.

Register of Deeds. — The copying or recording of deeds by a public officer is for the purpose of giving proper notice of the transfer of real estate. It is not obligatory on any one to have his deeds recorded; but one does so as a matter of precaution, inasmuch as

[1] In England the sheriff was an important officer long before the Norman Conquest (1066). He was the reeve or chief officer of the shire or county representing the king. To-day in England he is the chief dignitary of the county, but performs all executive and police duties through subordinates, attending himself to honorary or formal matters. The coroner is also an official long known to English law, although more modern than the sheriff. He was the Crown officer or "Crowner." His present duties are similar to those of his American namesake.

any deed not recorded is void as against a subsequent purchaser in good faith for a valuable consideration. It is the duty of the register carefully to copy, in the books which he keeps for the purpose, all deeds, mortgages, or other instruments which in accordance with the law may be left with him for the purpose.

County Surveyors. — Each county has also a public surveyor. He "shall make and execute such surveys within his county, as may be required of him by order of any court, or by application of any person therefor." He is expected to record all surveys of a permanent nature which he makes, and his certificate of any survey is "presumptive evidence of the facts therein contained."

CHAPTER XIV.

TOWNSHIP GOVERNMENT.

The System. — Reference has already been made to the importance of local government and to the fact that Michigan naturally adopted the township system. There are differences between the methods of this state and that of Massachusetts; but there is on the whole great similarity. Some of the functions of the eastern town are here performed by the county and we have also the village system, which will be explained hereafter.

The Town Meeting.[1] — Michigan was the first state west of New York to introduce the town meeting. As

[1] For a picturesque description of the town meeting, see Hosmer's "Samuel Adams" (American Statesmen), Chap. XXIII.

a matter of fact, the township in our history has preceded the county in organization. The settlers in the backwoods met for the purpose of acting in the opening of roads, the building of bridges, or the support of a school. The town meeting to-day is purely democratic, and is a reproduction or direct descendant of the old folk-mote wherein our ancestors in oldest England or the forests of Germany passed their simple laws. The annual meeting is held on the first Monday in April. Here the various officers of the township are elected and such other business as seems needful done. Taxes are determined upon; reports of the officers who have had charge of public money are heard; it is decided how much money shall be given to the town library or the school; or perhaps a law is passed determining the time and manner in which animals may be restrained from running at large. The people of the township have power, in the words of the statute, to make any order or by-law "for directing and managing the prudential affairs of the township as they shall judge most conducive to the peace, welfare, and good order thereof." The supervisor is the moderator of the meeting, and while elections are being held he constitutes, with the justice of the peace[1] and the town clerk, the board of inspectors.

Township Board. — The supervisor, the two justices of peace whose terms of office soonest expire, and the township clerk form the board, and this body has general directive authority in the affairs of the township, even to the extent of voting money for the ordinary

[1] The justice must be one who is not holding the office of clerk and supervisor, and the one whose term of office soonest expires.

running expenses, if the town meeting has neglected or refused to make necessary provision. The board acts as an auditor of the accounts of the town treasurer and other persons in charge of money. It constitutes a board of health and has therefore the right to pass regulations for the prevention of disease or the removal of nuisances. The power to remove certain officers is also within its competence.

The Supervisor. — Some of the duties of this officer have been given in the two preceding paragraphs. In addition it may be mentioned that the supervisor is the representative of the township on the county board. Moreover, as assessor he prepares a careful statement of the taxable property of his township and its values, and this roll forms the basis for the levying of taxes. He is the agent of the township in the transaction of all legal business, and has other administrative duties of varying importance.

The Clerk. — The records, books, and papers of the township are kept by the clerk. He transcribes and preserves the minutes of the town meeting. With him are filed mortgages on personal property, and he is required to make an alphabetical list of the parties to such instruments. He acts as clerk of the board of school inspectors and at general elections of the township. He has other duties clerical in character.

The Treasurer. — The money to be expended in the township for local purposes, whether raised by taxation or by licenses, is kept by the treasurer and paid out by him only on the order of the township or its authorized officers. He is expected to make an annual report of receipts and disbursements. To him the state and

county taxes are paid, and he makes return of them to the proper officers. For this purpose he is the custodian of the equalized tax roll. He is elected annually, but cannot hold office for more than two years in succession. Like the clerk and most of the other township officers, he is expected to give bonds for the faithful performance of his official duties.

Constables. — At each annual meeting the people elect one or more constables, not exceeding four. The constable takes much the same place in the township that the sheriff does in the county. He is the ministerial officer of the justices of the peace, and has authority to serve writs and warrants or notices lawfully directed to him.

Justice of the Peace. — The constitution provides for the election of not more than four justices in each township. Their judicial duties have been described above. They hold office for four years, but are so elected that only one retires in any one year. A justice has authority to administer oaths on general matters, to take acknowledgments of deeds, to take testimony to be used in suits in other states, to join persons in marriage, and to perform other duties not of a judicial nature.

Other Officers. — The old New England town meeting sometimes elected so many officers that one might well wonder whether there was any person without an office. The western town has not yielded to this officialism. By statute the township meeting in this state is authorized to elect one commissioner of highways, one overseer for each road district, one drain commissioner, and as many pound-masters as seem desirable. The first of these officers has general charge of the

highways. The overseer sees that roads are kept in repair and the required labor is performed. The pound-master has charge of impounded animals. The overseers of highways are the fence viewers for the township. The drain commissioner is expected to see that needful, natural, and artificial drains are kept open and in good condition.

CHAPTER XV.

CITIES AND VILLAGES.

Reasons for Organization. — Town government is almost a pure democracy. In a small community this is an admirable method of government, but where the population is dense, it becomes desirable to elect representatives to make the needful laws and ordinances for establishing and preserving good order. It is necessary to have a more complicated government for the performance of the many duties that necessarily come with the increase of the population. To accomplish these ends, villages and cities are organized by law. They are public corporations organized under a charter granted either generally or specially by the state legislature.

The village is a stepping-stone between the township and the city. Incorporation may take place in Michigan either under a general law which lays down the form of administration or by special act. Three hundred persons or more occupying a township not more

than one square mile may be incorporated as a village under the general law. The government is secondary rather than primary, the right of legislation and general control being vested in a president and a board of six trustees elected by the people. In accord with the general law, a clerk, treasurer, assessor, and constable are elected annually, and the board of trustees or the village council, as it may be termed, has authority to appoint other needful officers. The subject over which the incorporated village has control cannot be given here in detail. Regulations for safety, health, and order which are not needed in a township are within the scope of the village which is organized for more easy and effective action. The functions of the city, which are given below, will suggest the power of the village, if we remember that the latter has less power.

Cities. — There is a general statute under which cities may be incorporated, but the great majority are organized by special enactment. The details of government are therefore varied, and to determine the exact power of city officers or of the whole municipality, an examination must be made of the charter[1] of incorporation and its amendments. Many of the charters are very long and complicated, and most of them are being continually altered. This alteration is due to the fact that the cities are growing, and new needs are constantly arising; and it is due also to the fact that there has not yet been evolved in the course of our political experience a form of city government that is generally

[1] The charter of a city or village is the legislative act which constitutes it as a body corporate. It grants and defines powers, and is the fundamental law of the municipality.

agreed to be wise and faultless. The permanence of our national constitution arises from the fact that we have prospered under it. On the other hand, the abuses which are possible under our city administration tempt the people to try sundry alterations in forms and methods, and to make minute regulations. The charter granted Detroit in 1883 covers some sixty-seven pages of closely printed matter, and is many times as long as the Constitution of the United States. Such a statement will show the impossibility of giving here a close analysis of city government. Moreover, although a general law has been enacted for the organization and government of municipalities, the statute is not binding upon the legislature itself, and the statements in the paragraphs following must be taken as only *generally* and not universally true. For example, the general law provides that villages of three thousand inhabitants may be organized as cities, yet there are in the state several cities with a population scarcely more than one thousand.

The people are allowed to decide for themselves whether or not they shall be organized into a city. A popular vote is taken to determine. Some large villages prefer to retain the more simple forms of government and administration.

Wards. — For more effective local government and for participation in county affairs, cities are divided into wards. In each ward a supervisor, two aldermen, and a constable are elected. The alderman is the representative of the people of the ward in the common council of the city. The duties of the constable and supervisor are similar to those devolving upon such officers in the township.

In the succeeding paragraphs the duties are given of only those officers which are customarily found under city government. There are many variations. For example, some cities have no collector. In others the assessments for the whole city are the work of one officer, the assessor. In Detroit the city attorney is elected by popular vote; in most cities he is appointed by the mayor and ratified by the council. In Detroit also there are three assessors appointed and not elected. In fact, the variations are so numerous that it seems best to give only a very *general outline* from the *general* law, with occasional suggestions of variations. A teacher in a city school can obtain a copy of the city charter which will presumably be in the library. Beyond all, it must be remembered, that students have the opportunity to see the government of the city *in action*, and not simply a description of it on paper. Study a city or township government as you would a machine of any kind in motion. Endeavor to discover in what respect your city government differs from the description here given.

Mayor. — This officer is common to every city. He is elected by popular vote and holds office for a year.[1] He is the chief executive officer, and has general supervision of the several departments of the city government. In most cities he presides over the common council. He sometimes has the power of veto. As a rule he has an extensive power of appointment, and, where this is the case, responsibility for good administration seems to rest peculiarly with him.

As to the powers of the mayor, it may be said there are two differing tendencies. The one is to increase his power, and with it his responsibility, in order that the people may know to whom to charge failure or corruption in administration. The other tendency is more evident; executive authority is divided among a number of boards, the members of which are the appointees of the mayor.

[1] The mayor of Detroit holds for two years.

Clerk. — It is the duty of the clerk to keep the records and the official papers of the city. He is clerk of the council and he records its proceedings. He has a general supervision over all officers charged with the expenditure of money, and over the property and assets of the city. In some instances there is a comptroller elected. This officer then acts as a general accountant, keeping an account with the treasurer, and acting as a sort of financial secretary for the city. The clerk is often called the recorder.

Treasurer. — This officer has the usual duties. He keeps the money and pays it out upon the proper order. He makes monthly reports to the clerk or comptroller and annually a detailed account to the council. Like the mayor and clerk he is elected for one year.

The Common Council. — This body is the legislative authority of the city. It is composed of the mayor and aldermen. It is entitled to pass ordinances for the maintenance of good order within the city. Keeping within the limits of the charter its legislative power is plenary. It can best be suggested by giving in part, at least, the subjects over which a city is expected to exercise control. These are: —

(*a*) To preserve peace and good order. (*b*) To arrest and punish vagrants and disorderly persons. (*c*) To prevent nuisances and to remove any cause of annoyance or disease. (*d*) To issue licenses and to regulate games and exhibitions. (*e*) To license and regulate saloons. (*f*) To license and regulate auctions and peddling. (*g*) To license and regulate hackmen and draymen. (*h*) To provide for inspections of various kinds. (*i*) To lay out and keep in repair streets and alleys, and to have

control over sidewalks. (*j*) To establish and support a fire department, etc.

Other Officers. — The marshal is the chief police officer and is expected to preserve good order. In many cities he is appointed; under the general law he is elected. There are also the following officers: (1) city attorney; (2) surveyors; (3) street commissioner; (4) justices of the peace; (5) often a city collector and generally a school inspector; (6) chief of the fire department.

I repeat here the advice given earlier that the pupils in villages and cities be urged to discover by their own investigation the system of government under which they are living. Nearly every township and city library may be expected to have Mr. Bryce's great work on the American Commonwealth. Even young pupils can understand, by help of the teacher's explanations, his lucid chapters on municipal government and its evils. See Chaps. L., LI., LII.

CHAPTER XVI.

EDUCATION.

School System. — The people of Michigan have long been justly proud of their educational system, and have supported schools and colleges with generous interest. It is a right use of words to speak of our educational "system." For, from the lowest primary school through the University there is organic connection and methodical arrangement. Everything has been built up on the theory that, for the welfare of the state, its citizens

should be educated and that any and all means of culture should be freely opened to rich and poor alike. Everywhere education is free. The larger institutions, wherewith the state has completed the educational structure, offer instruction on almost every useful subject. The Normal School prepares teachers for the lower schools. The Agricultural College teaches the principles of scientific farming. The University gives facilities for the study of all collegiate and professional subjects except theology.

The principle of popular support for education was entered upon, somewhat feebly it is true, in our territorial period; but as the years went on the state committed itself more and more heartily to the idea, until now Michigan has demonstrated that a democracy, a popular state, will liberally support institutions of public instruction from the lowest to the highest.

District Organization. — The constitution provides for free primary schools. Each township is, by statute, authorized to elect two school inspectors and with the township-clerk they become the board of school inspectors. Their duties are supervisory. They divide the township into districts, which take care of and provide for their own schools. The annual meeting of each district is on the first Monday in September, and then taxes are voted for the support of schools and a board elected for general management. The board consists of a moderator, who is the chairman; the director, who is the secretary; and the assessor, who is the treasurer of the district. The more populous school districts have a graded school with a board of six trustees, who elect their own officers. High schools are established by the

vote of the district. Each city usually forms one district, but the method of organization may differ in detail from that just described.

State Organization. — The constitution provides for a superintendent of public instruction, who has general supervision of educational matters in the state. A state board of education is also established by the constitution. The superintendent is a member *ex officio* and secretary of the board, which, including him, consists of four members. He is elected at the general election and holds office for two years, whereas the members of the board hold office for six years, one member being elected every two years at the same election.

School Examiners. — The method of inspecting schools and of examining applicants for teachers' certificates has been frequently changed. At present the following plan is in operation. The board of supervisors of the county elect a county commissioner of schools, also two examiners. The term of office is two years. These three persons form a board of examiners, and are authorized to grant certificates licensing as teachers those persons whom they may find qualified. Examinations of applicants for these certificates are held twice a year. The questions are prepared by the state superintendent of public instruction.

It is the duty of the county commissioner (1) to keep a record of all examinations; (2) to visit each school in the county at least once a year; (3) to counsel with the teachers and school boards concerning courses of study; (4) to promote the improvement of the schools; (5) to act as assistant conductor of institutes, and to perform various other duties that may be required by law.

Support of Schools. — The schools of the state are supported to a great extent by direct taxes levied for the purpose in each district. In addition each district receives from the state what is known as primary school money, which is used for the payment of teachers. This money is the interest paid by the state on a fund known as the primary school fund. This fund has three sources. (1) When Michigan was admitted to the Union, Congress gave to the state, for educational purposes, section sixteen in each township. The money received from the sale of these lands is held by the state as a perpetual interest-bearing fund; (2) The state has set aside for the same object one-half of the proceeds from the sale of the swamp lands; (3) All specific state taxes, except those received from the mining companies of the upper peninsula, are applied first to the paying of interest on the educational funds, and the surplus after such payment forms part of the primary school fund. The interest on these moneys is divided among the school districts of the state in proportion to their school populations, or the number of persons between five and twenty years of age.

The University. — The ancestor of our present University was established in 1817; but not until Michigan was admitted to the Union was there much done that can be called university work. The United States furnished the means of assisting higher education as well as secondary. The state now pays to the University interest on a fund known as the University fund. This has come from the sale of land in two townships given by the national government for that purpose.

The University is governed by a board of eight

regents, of whom two are elected by the people of the state every two years for a period of eight years. The constitution also provides for a president, who is elected by the regents. The institution now comprises the departments of (1) literature, science, and the arts; (2) a department of medicine; (3) a department of law; (4) a school of pharmacy; (5) a homœopathic medical college; and (6) a college of dental surgery.

The school system of Michigan owes much to the first superintendent of public instruction, John D. Pierce. It was his aim to establish a complete system of public education, the head of which should be the University. The broad and generous scope of this institution is due in no small measure to Mr. Pierce, and to its first president, Henry P. Tappan.

Other Institutions. — The Agricultural College was established in 1855. It is controlled by the state board of agriculture, consisting of the governor, the president of the college, and six members appointed by the governor for a term of six years. Its sources of income are somewhat similar to those of the University — interest on a fund held by the state, and appropriations from the state. The national government contributes an annual sum.

The Normal School was established in 1852, and is in charge of the state board of education. It furnishes instruction in the art of teaching, and is supported partly by direct appropriations and partly by interest on the Normal School endowment fund.

Mining School. — In 1885 the legislature passed an act providing for a mining school in the upper peninsula. In September of the following year the doors were

opened for students. It is controlled by a board of six members and supported by state appropriations.

Colleges. — There are a number of colleges in the state authorized to give degrees. They are under the care of different religious denominations. Albion College, established in 1861; Adrian College, established 1859; Alma College, established 1887; Battle Creek College, established 1874; Detroit College, established 1877; Hillsdale College, established 1844; Hope College, established 1866; Kalamazoo College, established 1855; Olivet College, established 1859.

Libraries. — Public libraries are as needful for general education as are schools. Michigan has appreciated the desirability of having free books. By her constitution it is obligatory on the legislature to provide for a public library in each township. Fines collected for the breaking of law are appropriated for the support of such libraries.

Free School Books. — It is now provided by law[1] that a school district may, if it so decides, purchase text-books in the more elementary and popular branches of study. These books are to be the property of the district and loaned to the pupils for their use. Some of the cities in the state have adopted the plan and thus have taken another step in an endeavor to make education accessible to every one. Even where this system has not been adopted the state directs that school boards shall furnish books to students whose parents cannot provide them.

Compulsory Education. — The state some years ago entered upon the policy of requiring attendance at

[1] Act of June 15, 1889.

school of all children between the ages of eight and fourteen. It is directed that all such children go to school for at least four months in each year and at least six weeks consecutively. All persons are forbidden to employ any child, who, in the previous twelve months, has not had the four months' schooling.

The law has not been entirely successful, for it has not been enforced with vigor. The safety of republican government depends on the intelligence of the governed, and the state cannot in self-defence allow the children to grow up uneducated and without the proper knowledge for intelligent citizenship.

CHAPTER XVII.

ELECTION LAWS.

Suffrage. — The grant of suffrage in Michigan is very liberal. It is the intention of the constitution to establish manhood suffrage. Citizens of the United States can acquire the privilege of voting in this state after a residence within its borders of only three months preceding election. Foreigners are given the privilege of voting, if they have resided in the state two years and six months, provided that six months before the election they declare their intention to become citizens. Women, that have property subject to taxation, are entitled to vote upon all questions at the school meeting of a district, or, if they have no property, but are the parents

or the legal guardians of children of school age, they are entitled to vote on questions not involving the raising of money.

Registration. — In order to secure good order at elections and to confine the suffrage to those who are qualified to exercise it, the law provides for a registration of voters. Before each general election a board of registration sits at a designated place for the purpose of taking the names of the qualified voters of the township, ward, or precinct. Only persons whose names stand upon this registration list are allowed to vote at the election. However, if any one, because of illness or absence from the township or city, was unable to register, he will be permitted to cast his ballot on taking an oath to such fact. This is known as swearing in one's vote.

Political Machinery. — The system of party and political machinery in Michigan is much the same as that of other states. The caucus of the party meets in the townships or wards to elect delegates to a county convention or to put in nomination for election the candidates for its own local offices. The county convention elects delegates to conventions of the state or the congressional, senatorial, representative, or judicial district, or it puts in nomination candidates for the county officers. There has been as yet no great effort to regulate such party machinery by state law. A statute has been passed for the purpose of securing better order and more regularity in caucuses, but, with this exception, party politics and tactics are free from restraint.

Elections. — There are two general elections in Michigan. One is on the first Monday after the first Tuesday in November. At that time county and most state

officers are elected, and the people participate in the election of national officers. The other election is held on the first Monday in April.[1] This is the usual day for the choice of township and city officers; and some state officers are also then elected, the regents of the University and the judges of the supreme court, as well as the circuit judges.

Provision has been made by law to prevent bribery and intimidation at elections. It is an offence punishable by a fine or imprisonment to attempt by any menace or corrupt means to influence an elector in casting his ballot. It is unlawful (1) To provide entertainment previous to or during an election. (2) To furnish money to be expended in procuring the attendance of voters at the polls. (3) To contribute money for any purpose intended to promote the election of any person or persons, except (*a*) for the expenses of printing; (*b*) for the circulation of hand bills, etc.; (*c*) for the conveying of sick or infirm persons to the polls.

The Booth System. — It is a curious fact that though volumes have been written, first and last, on the necessity of a secret ballot, only within a few years has there been any effort at making voting actually secret. Each voter should be allowed freely to express his wishes at the polls, or popular sovereignty is a mere shadow. This can be secured only by providing means whereby a person can prepare and deposit his ballot without interference or molestation or scrutiny. The law of this state now provides for small booths at the polling places. These are placed behind a guard rail four feet

[1] By the general law the supervisor and two aldermen of each ward constitute the board of inspectors of election in a city, and in a village the president and trustees or any three of them.

in height. A gate keeper chosen by the inspectors allows persons to enter only for the purpose of voting. The voter passes into the booth and prepares his ticket as he desires, and immediately deposits it in the ballot-box. This system is a guard against bribery, for the reason that no one can tell how the ballot is prepared, or, in other words, whether or not a contract to vote in a particular way has been carried out.

The Ballot. — This state has now adopted with some variations what is known as the Australian ballot. By the system in vogue until the law of 1891 was passed, each party provided its own tickets at its own expense. On such a ticket were printed, of course, only the party candidates. Abuses arising from the system were numerous, and it was at best a primitive method based on false policy and principles. By the present law tickets are prepared at public expense and each contains the names of all candidates of all parties.

As will be seen by reference to the diagram on page 78, the candidates for office in each party are arranged by themselves under appropriate vignettes. When a voter comes before the election board he is given a ticket, on the back of which, in one corner, are the initials of one of the inspectors. He must prepare this ticket within the booth, and deposit it or give it back to the inspector, inasmuch as no ballots are allowed outside the guard rail. The diagram on page 78 more fully explains the method of voting.

NOTE. — It is perhaps needless to suggest to teachers that the method of voting can be taught by the actual preparation of ballots and by actually conducting an election. And at the same time pupils may be led to think of the necessity of a pure ballot and of honesty in elections, free from the devious methods of corrupt politics.

OFFICIAL BALLOT.

[FOR USE AT THE SCHOOL OF INSTRUCTION ONLY.]

INSTRUCTIONS. — First mark or stamp a cross (X) in the square under the name of your party at the head of the ballot. If you desire to vote a straight ticket, nothing further need be done. If you desire to vote for candidates on different tickets, also erase the name of the candidate on your ticket you do not desire to vote for, and make a cross in the square before the name of the candidate you desire to vote for or write his name in the space under the name erased. A ticket marked with a cross under the party name will be deemed a vote for each of the candidates named in such party column where name is not erased. Before leaving the booth, fold this ballot so that the initials may be seen on the outside.

NAME OF OFFICE VOTED FOR.	[Vignette.] DEMOCRATIC. ☐	[Vignette.] REPUBLICAN. ☐	[Vignette.] PROHIBITION. ☐
Mayor.....	☐ THOMAS JEFFERSON.	☐ JOHN C. FREMONT.	☐ CLINTON B. FISKE.
President of the Common Council.	☐ ANDREW JACKSON.	☐ HANNIBAL HAMLIN.	☐ SAMUEL DICKEY.
Supervisor. — First Ward	☐ SAMUEL J. TILDEN.	☐ ALEXANDER HAMILTON.	☐ JOHN P. ST. JOHN.
Alderman. — First Ward.....	☐ MARTIN VAN BUREN.	☐ SCHUYLER COLFAX.	☐ JOHN B. GOUGH.
Constable. — First Ward.....	☐ TIMOTHY DOE.	☐ RICHARD ROE.	☐ DANIEL FRESHWATER.

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